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STATE OF NORTH CAROLINA

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PUBLIC LAWS AND RESOLUTIONS

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1941

HELD IN THE CITY OF RALEIGH

BEGINNING ON

WEDNESDAY, THE EIGHTH DAY OF JANUARY, A. D. 1941

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PUBLISHED BY AUTHORITY

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CHARLOTTE

THE OBSERVER PRINTING HOUSE, INC.

1941



# OFFICIAL REGISTER FOR 1941-1943

## LEGISLATIVE DEPARTMENT

R. L. HARRIS.....	President of the Senate.....	Person
O. M. MULL.....	Speaker of House of Representatives.....	Cleveland

## EXECUTIVE DEPARTMENT

(Elective)

*J. MELVILLE BROUGHTON.....	Governor.....	Wake
R. L. HARRIS.....	Lieutenant-Governor.....	Person
*THAD EURE.....	Secretary of State.....	Hertford
*GEORGE ROSS POU.....	Auditor.....	Johnston
*CHARLES M. JOHNSON.....	Treasurer.....	Pender
*CLYDE A. ERWIN.....	Superintendent of Public Instruction.....	Rutherford
*HARRY McMULLAN.....	Attorney-General.....	Beaufort
W. KERR SCOTT.....	Commissioner of Agriculture.....	Alamance
DAN C. BONEY.....	Insurance Commissioner.....	Lenoir
FORREST H. SHUFORD.....	Commissioner of Labor.....	Guilford

\*Constitute Council of State (The Attorney General is a member in an advisory capacity).

## JUDICIAL DEPARTMENT

### SUPREME COURT

W. P. STACY.....	Chief Justice.....	*Raleigh
HERIOT CLARKSON.....	Associate Justice.....	*Raleigh
MICHAEL SCHENCK.....	Associate Justice.....	*Raleigh
W. A. DEVIN.....	Associate Justice.....	*Raleigh
M. V. BARNHILL.....	Associate Justice.....	*Raleigh
J. WALLACE WINBORNE.....	Associate Justice.....	*Raleigh
A. A. F. SEAWELL.....	Associate Justice.....	*Raleigh
DILLARD S. GARDNER.....	Librarian.....	Raleigh
DILLARD S. GARDNER.....	Marshal.....	Raleigh
EDWARD MURRAY.....	Clerk.....	Raleigh
JOHN M. STRONG.....	Reporter.....	Raleigh

\*Official (not legal) residence.

### SUPERIOR COURT JUDGES

C. EVERETT THOMPSON.....	First District.....	Elizabeth City
W. J. BONE.....	Second District.....	Nashville
R. HUNT PARKER.....	Third District.....	Roanoke Rapids
CLAWSON L. WILLIAMS.....	Fourth District.....	Sanford
J. PAUL FRIZZELLE.....	Fifth District.....	Snow Hill
HENRY L. STEVENS, JR.....	Sixth District.....	Warsaw
W. C. HARRIS.....	Seventh District.....	Raleigh
J. J. BURNET.....	Eighth District.....	Wilmington
Q. K. NIMOCKS, JR.....	Ninth District.....	Fayetteville
LEO CARR.....	Tenth District.....	Burlington
J. H. CLEMENT.....	Eleventh District.....	Walkertown
H. HOYLE SINK.....	Twelfth District.....	Greensboro
F. D. PHILLIPS.....	Thirteenth District.....	Rockingham
WILLIAM H. BOBBITT.....	Fourteenth District.....	Charlotte
FRANK M. ARMSTRONG.....	Fifteenth District.....	Troy
WILSON WARLICK.....	Sixteenth District.....	Newton
J. A. ROUSSEAU.....	Seventeenth District.....	North Wilkesboro
J. W. PLESS, JR.....	Eighteenth District.....	Marion
ZEB V. NETTLES.....	Nineteenth District.....	Asheville
FELIX E. ALLEY.....	Twentieth District.....	Waynesville
ALLEN H. GWTN.....	Twenty-first District.....	Reidsville

### SPECIAL JUDGES

G. V. COWPER.....	Kinston
W. H. S. BURGWIN.....	Woodland
LUTHER HAMILTON.....	Morehead City
S. J. ERVIN, JR.....	Morganton
A. HALL JOHNSTON.....	Asheville
HUBERT E. OLIVE.....	Lexington

## OFFICIAL REGISTER

## EMERGENCY JUDGES

T. B. FINLEY .....	Wilkesboro
H. A. GRADY .....	Clinton
E. H. CRANMER .....	Southport
N. A. SINCLAIR .....	Fayetteville

## SOLICITORS

CHESTER R. MORRIS .....	First District .....	Currituck
DONNELL GILLIAM .....	Second District .....	Tarboro
E. R. TYLER .....	Third District .....	Roxobel
C. C. CANADAY .....	Fourth District .....	Benson
D. M. CLARK .....	Fifth District .....	Greenville
J. ABNER BARKER .....	Sixth District .....	Roseboro
WILLIAM Y. BICKETT .....	Seventh District .....	Raleigh
DAVID SINCLAIR .....	Eighth District .....	Wilmington
F. E. CARLYLE .....	Ninth District .....	Lumberton
WILLIAM H. MURDOCK .....	Tenth District .....	Durham
J. EARL McMICHAEL .....	Eleventh District .....	Winston-Salem
H. L. KOONTZ .....	Twelfth District .....	Greensboro
R. S. PRUETTE .....	Thirteenth District .....	Wadesboro
J. G. CARPENTER .....	Fourteenth District .....	Gastonia
CHAS. L. COGGIN .....	Fifteenth District .....	Salisbury
L. S. SPURLING .....	Sixteenth District .....	Lenoir
A. E. HALL .....	Seventeenth District .....	Yadkinville
C. O. RIDINGS .....	Eighteenth District .....	Forest City
R. M. WELLS .....	Nineteenth District .....	Asheville
JOHN M. QUEEN .....	Twentieth District .....	Waynesville
R. J. SCOTT .....	Twenty-first District .....	Danbury

## HEADS OF ADMINISTRATIVE DEPARTMENTS, BOARDS AND COMMISSIONS

(Appointive)

## ADJUTANT GENERAL

J. VAN B. METTS .....	New Hanover
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## BOARD OF ALCOHOLIC CONTROL

CUTLAR MOORE .....	Chairman .....	Robeson
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## BANKING DEPARTMENT

GURNEY P. HOOD .....	Commissioner .....	Wayne
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## COMMISSION FOR THE BLIND

DR. ROMA S. CHEEK .....	Executive Secretary .....	Graham
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## BUDGET BUREAU

R. G. DEYTON .....	Assistant Director .....	Yancey
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## BUILDINGS AND GROUNDS

JOHN BRAY .....	Superintendent .....	Wake
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## STATE BOARD OF CHARITIES AND PUBLIC WELFARE

MRS. W. T. BOST .....	Commissioner .....	Wake
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## DEPARTMENT OF CONSERVATION AND DEVELOPMENT

R. BRUCE ETHERIDGE .....	Director .....	Dare
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## STATE BOARD OF ELECTIONS

R. C. MAXWELL .....	Executive Secretary .....	Wake
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## STATE EMPLOYMENT SERVICE

R. MAYNE ALBRIGHT .....	Director .....	Wake
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## STATE BOARD OF HEALTH

DR. CARL V. REYNOLDS .....	Secretary .....	Buncombe
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## STATE HIGHWAY AND PUBLIC WORKS COMMISSION

D. B. McCRARY .....	Chairman .....	Randolph
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## HISTORICAL COMMISSION

C. C. CRITTENDEN .....	Secretary .....	Wake
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## INDUSTRIAL COMMISSION

T. A. WILSON .....	Chairman .....	Forsyth
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## BOARD OF INVESTIGATION AND IDENTIFICATION

FRED C. HANDY .....	Director .....	Wake
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# OFFICIAL REGISTER

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LIBRARY COMMISSION		
MISS MARJORIE BEAL.....	Secretary.....	Wake
STATE LIBRARY		
MISS CARRIE L. BROUGHTON.....	Librarian.....	Wake
LOCAL GOVERNMENT COMMISSION		
W. E. EASTERLING.....	Secretary.....	Wake
MOTOR VEHICLE BUREAU		
R. R. McLAUGHLIN.....	Director.....	Iredell
PAROLES COMMISSION		
EDWIN GILL.....	Commissioner.....	Scotland
PROBATION COMMISSION		
J. HARRY SAMPLE.....	Director.....	Buncombe
DIVISION OF PURCHASE AND CONTRACT		
J. BENTON STACY.....	Director.....	Rockingham
DEPARTMENT OF REVENUE		
A. J. MAXWELL.....	Commissioner.....	Craven
RURAL ELECTRIFICATION AUTHORITY		
D. S. WEAVER.....	Chairman.....	Wake
SCHOOL COMMISSION		
LOYD E. GRIFFIN.....	Executive Secretary.....	Chowan
SUPREME COURT		
DILLARD S. GARDNER.....	Librarian.....	Orange
EDWARD MURRAY.....	Clerk.....	Wake
UNEMPLOYMENT COMPENSATION COMMISSION		
CHAS. G. POWELL.....	Chairman.....	Granville
UTILITIES COMMISSION		
STANLEY L. WINBORNE.....	Chairman.....	Hertford
WEIGHTS AND MEASURES		
C. D. BAUCOM.....	Superintendent.....	Wake
WORLD WAR VETERANS LOAN FUND		
GRAHAM K. HOBBS.....	Commissioner.....	New Hanover

## HOSPITALS AND STATE EDUCATIONAL AND CORRECTIONAL INSTITUTIONS AND HEADS

UNIVERSITY OF NORTH CAROLINA		
FRANK P. GRAHAM.....	President.....	Chapel Hill
DEAN OF ADMINISTRATION—CHAPEL HILL UNIT		
R. B. HOUSE.....		Chapel Hill
DEAN OF ADMINISTRATION—STATE COLLEGE UNIT		
J. W. HARRELSON.....		Raleigh
DEAN OF ADMINISTRATION—WOMAN'S COLLEGE UNIT		
W. C. JACKSON.....		Greensboro
STATE SCHOOL FOR THE BLIND AND DEAF		
G. E. LINEBERRY.....		Raleigh
STATE HOSPITAL AT GOLDSBORO		
DR. FRANK L. WHEPLEY.....		Goldsboro
STONEWALL JACKSON MANUAL AND INDUSTRIAL TRAINING SCHOOL		
CHARLES E. BOGER.....		Concord
N. C. SCHOOL FOR THE DEAF		
DR. C. E. RANKIN.....		Morganton
APPALACHIAN STATE TEACHERS COLLEGE		
B. B. DOUGHERTY.....		Boone

## OFFICIAL REGISTER

LEON R. MEADOWS.....	EAST CAROLINA TEACHERS COLLEGE	Greenville
H. T. HUNTER.....	WESTERN CAROLINA TEACHERS COLLEGE	Cullowhee
DR. W. T. PARROTT.....	CASWELL TRAINING SCHOOL	Kinston
MISS GRACE M. ROBSON.....	STATE HOME AND INDUSTRIAL SCHOOL FOR GIRLS (SAMARCAND MANOR)	Eagle Springs
MISS ELSA ERNST.....	STATE INDUSTRIAL FARM COLONY FOR WOMEN	Kinston
DR. J. W. ASHEY.....	STATE HOSPITAL AT RALEIGH	Raleigh
DR. F. B. WATKINS.....	STATE HOSPITAL AT MORGANTON	Morganton
DR. P. P. MCCAIN.....	N. C. SANATORIUM FOR TREATMENT OF TUBERCULOSIS Superintendent.....	Sanatorium
DR. S. M. BITTINGER.....	WESTERN N. C. SANATORIUM FOR TREATMENT OF TUBERCULOSIS Superintendent.....	Black Mountain
DR. W. M. ROBERTS.....	N. C. ORTHOPEDIC HOSPITAL	Gastonia
REV. C. K. PROCTOR.....	OXFORD ORPHANAGE	Oxford
T. K. BORDERS.....	COLORED ORPHANAGE OF NORTH CAROLINA	Oxford
MRS. INA FOUST SMITH.....	CONFEDERATE WOMAN'S HOME	Fayetteville
S. E. LEONARD.....	EASTERN CAROLINA INDUSTRIAL TRAINING SCHOOL	Rocky Mount
F. D. BLUFORD.....	NEGRO AGRICULTURAL AND TECHNICAL COLLEGE	Greensboro
H. L. TRIGO.....	ELIZABETH CITY STATE TEACHERS COLLEGE	Elizabeth City
J. W. SEABROOK.....	FAYETTEVILLE STATE TEACHERS COLLEGE	Fayetteville
F. L. ATKINS.....	WINSTON-SALEM TEACHERS COLLEGE	Winston-Salem
OWENS HAND BROWNE.....	CHEROKEE INDIAN NORMAL SCHOOL Acting Superintendent.....	Pembroke
REV. L. L. BOYD.....	MORRISON TRAINING SCHOOL FOR NEGROES	Hoffman
J. E. SHEPARD.....	N. C. COLLEGE FOR NEGROES	Durham
ROBERT GRADY JOHNSON.....	STATE PRISON	Raleigh

## SECRETARIES OF EXAMINING BOARDS

W. M. RUSS	Accountancy	Raleigh
ROSS SHUMAKER	Architecture	Raleigh
R. P. BRANCH	Barbers	Raleigh
C. P. GUY	Boiler Rules	Raleigh
DR. L. D. ABERNETHY	Chiropody	Charlotte
DR. C. H. PETERS	Chiropractics	Rocky Mount
W. J. MANN	Contractors	Raleigh
MRS. C. P. BOBBITT	Cosmetic Art	Raleigh
DR. WILBERT JACKSON	Dentistry	Clinton
MRS. JAMES H. ANDERSON	Electrical Contractors (Acting Secretary)	Raleigh
WILL N. VOGLER	Embalmers	Winston-Salem
C. L. MANN	Engineers and Land Surveyors	Raleigh
E. L. CANNON	Law	Raleigh
DR. W. D. JAMES	Medical	Hamlet
DR. ROBERT L. WILSON	Optometry	Shelby
DR. FRANK R. HEINE	Osteopathy	Greensboro
F. W. HANCOCK	Pharmacy	Oxford
RAY W. GOODRICH	Photography	Winston-Salem
W. F. MORRISON	Plumbing and Heating Contractors	Raleigh
G. W. CARTER	Tile Contractors	Kinston
BESSIE CHAPMAN	Trained Nurses	Raleigh
J. H. BROWN	Veterinarians	Tarboro

## COMMISSIONERS OF AFFIDAVITS FOR NORTH CAROLINA RESIDENT IN OTHER STATES

NAME	EXPIRATION OF TERM	ADDRESS
PEARCE HORNE	January 22, 1942	Washington, D. C.
JEREMIAH J. MAHER	September 13, 1942	New York, N. Y.

## UNITED STATES SENATORS

JOSIAH W. BAILEY	Raleigh
ROBERT R. REYNOLDS	Asheville

## NORTH CAROLINA REPRESENTATIVES IN CONGRESS

HERBERT C. BONNER	First District	Washington
JOHN H. KERR	Second District	Warrenton
GRAHAM A. BARDEN	Third District	New Bern
HAROLD D. COOLEY	Fourth District	Nashville
A. D. FOLGER	Fifth District	Mount Airy
CARL T. DURHAM	Sixth District	Chapel Hill
J. BAYARD CLARK	Seventh District	Fayetteville
W. O. BURGIN	Eighth District	Lexington
R. L. DOUGHTON	Ninth District	Laurel Springs
A. L. BULWINKLE	Tenth District	Gastonia
ZEBULON WEAVER	Eleventh District	Asheville

# GENERAL ASSEMBLY, 1941

## SENATE OFFICERS

NAME	POSITION	COUNTY
R. L. HARRIS.....	President.....	Person
JOHN D. LARKINS, JR.....	President pro tem.....	Jones
S. RAY BYERLY.....	Principal Clerk.....	Lee
L. H. FOUNTAIN.....	Reading Clerk.....	Edgecombe
HERMAN SCOTT.....	Sergeant-at-Arms.....	Chatham

## SENATORS

DISTRICT	NAME	ADDRESS
1	MERRILL EVANS.....	Ahoskie
1	HERBERT LEARY.....	Edenton
2	D. B. FEARINO.....	Manteo
2	HUGH G. HORTON.....	Williamston
3	ARCHIE C. GAY.....	Jackson
4	W. G. CLARK.....	Tarboro
4	*Dr. T. W. M. LONG.....	Roanoke Rapids
4	E. L. TRAVIS.....	Halifax
5	J. C. LANIER.....	Greenville
6	W. L. LUMPEIN.....	Louisburg
6	VAN S. WATSON.....	Rocky Mount
7	JOHN D. LARKINS, JR.....	Trenton
7	K. A. PITTMAN.....	Snow Hill
8	J. B. BENTON.....	Benson
8	THOMAS O'BERRY.....	Goldsboro
9	JEFF D. JOHNSON, JR.....	Clinton
9	ROY ROWE.....	Burgaw
10	JAMES H. CLARK.....	Elizabethtown
10	D. M. STRINGFIELD.....	Fayetteville
11	H. E. STACY.....	Lumberton
12	RYAN MCBRYDE.....	Raeford
12	J. V. WILSON.....	Asheboro
13	L. Y. BALLENTINE.....	Varina
13	J. C. PITTMAN.....	Sanford
14	W. W. WHITE.....	Manson, RFD. 1
15	F. D. LONG.....	Roxboro, RFD. 1
16	E. C. BROOKS, JR.....	Durham
16	E. T. SANDERS.....	Burlington
17	THOMAS J. GOLD.....	High Point
17	J. HAMPTON PRICE.....	Leaksville
18	EDWIN PATE.....	Laurinburg
18	J. LEE WILSON.....	Lexington
19	COBLE FUNDERBURK.....	Monroe
19	R. R. INGRAM.....	Albemarle
20	JOE L. BLYTHE.....	Charlotte
20	A. B. PALMER.....	Concord
21	EDWIN C. GREGORY.....	Salisbury
22	GORDON GRAY.....	Winston-Salem
23	WILLIAM F. MARSHALL.....	Walnut Cove
24	MILES F. SHORE (R).....	Cycle
25	J. HENRY HILL.....	Hickory
25	JOHN W. WALLACE.....	Statesville
26	R. G. CHERRY.....	Gastonia
27	L. J. P. CUTLAR.....	Marion
27	WADE B. MATHENY.....	Forest City
28	HARRY MILLER.....	Stony Point
29	EUGENE TRANSOU.....	Sparta
30	DR. C. A. PETERSON (R).....	Spruce Pine
31	JAMES S. HOWELL.....	Asheville
32	OTTO ALEXANDER.....	Brevard
33	EDWIN WHITAKER.....	Bryson City

\*Died February 3, 1941, succeeded by E. L. Travis of Halifax.

# GENERAL ASSEMBLY

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## HOUSE OFFICERS

NAME	POSITION	COUNTY
O. M. MULL.....	Speaker.....	Cleveland
SHEARON HARRIS.....	Principal Clerk.....	Stanly
*MISS ROSA B. MUND.....	Engrossing Clerk.....	Cabarrus
RALPH MONGER.....	Reading Clerk.....	Lee
H. L. JOYNER.....	Sergeant-at-Arms.....	Northampton

\*Died March 20, 1941.

## REPRESENTATIVES

NAME	ADDRESS	COUNTY
W. R. SELLARS.....	Burlington.....	Alamance
DR. ASA THURSTON.....	Taylorsville.....	Alexander
W. BERT EDWARDS.....	Sparta.....	Alleghany
U. B. BLALOCK.....	Wadesboro.....	Anson
W. B. AUSTIN.....	Jefferson.....	Ashe
W. C. PITMAN (R).....	Spear.....	Avery
DR. ZENO L. EDWARDS.....	Washington.....	Beaufort
J. A. PRITCHETT.....	Windsor.....	Bertie
J. A. BRIDGER.....	Bladenboro.....	Bladen
J. W. RUARK.....	Southport.....	Brunswick
HUBERT C. JARVIS.....	Asheville.....	Buncombe
A. C. REYNOLDS, JR.....	Asheville, RFD. 4.....	Buncombe
A. B. STONEY.....	Morganton.....	Burke
E. T. BOST, JR.....	Concord.....	Cabarrus
J. T. PRITCHETT.....	Lenoir.....	Caldwell
W. I. HALSTEAD.....	South Mills.....	Camden
H. S. GIBBS.....	Morehead City.....	Carteret
JOHN A. WOODS.....	Yanceyville.....	Caswell
EDDY S. MERRITT.....	Hickory.....	Catawba
WADE H. PASCHAL.....	Siler City.....	Chatham
JAMES MALLONE, JR.....	Murphy.....	Cherokee
J. G. CAMPEN.....	Edenton.....	Chowan
A. LEE PENLAND.....	Hayesville.....	Clay
O. M. MULL.....	Shelby.....	Cleveland
JOE D. SIKES.....	Whiteville.....	Columbus
D. L. WARD.....	New Bern.....	Craven
JOHN H. COOK.....	Fayetteville.....	Cumberland
G. C. BOSWOOD.....	Gregory.....	Currituck
ROY L. DAVIS.....	Manteo.....	Dare
L. ROY HUGHES.....	Thomasville.....	Davidson
W. L. MOORE.....	Mocksville.....	Davie
C. F. QUINN.....	Kenansville.....	Duplin
VICTOR S. BRYANT.....	Durham.....	Durham
FORREST A. POLLARO.....	Dnrham.....	Durham
CAMERON S. WEEKS.....	Tarboro.....	Edgecombe
IRVING CARLYLE.....	Winston-Salem.....	Forsyth
REX GASS.....	Winston-Salem.....	Forsyth
F. L. GOBBLE.....	Winston-Salem.....	Forsyth
H. C. KEARNEY.....	Franklinton.....	Franklin
C. A. RUDISILL.....	Cherryville.....	Gaston
BASIL L. WHITENER.....	Gastonia.....	Gaston
E. S. A. ELLENOR.....	Gates.....	Gates
DONALD B. SHERRILL.....	Robbinsville.....	Graham
JAMES W. HORNER.....	Oxford.....	Granville
A. C. EDWARDS.....	Hookerton.....	Greene
SHELLEY B. CAVENESS.....	Greensboro.....	Guilford
BEVERLY C. MOORE.....	Greensboro.....	Guilford
RUPERT T. PICKENS.....	High Point.....	Guilford
JULIAN R. ALLSBROOK.....	Roanoke Rapids.....	Halifax
B. B. EVERETT.....	Palmyra.....	Halifax
DAVID H. SENTER.....	Chalybeate Springs.....	Harnett
GLENN C. PALMER.....	Clyde, RFD. 1.....	Haywood
L. L. BURGIN.....	Horse Shoe.....	Henderson
R. H. UNDERWOOD.....	Murfreesboro.....	Hertford
LAURIE McEACHERN.....	Raeftord.....	Hoke
GEORGE T. DAVIS.....	Swan Quarter.....	Hyde
JOHN R. McLAUGHLIN.....	Statesville.....	Iredell
DAN K. MOORE.....	Sylva.....	Jackson
R. T. FULGHUM.....	Kenly.....	Johnston
LAWRENCE H. WALLACE.....	Smithfield.....	Johnston
C. P. BANKS.....	Trenton.....	Jones
W. E. HORNER.....	Sanford.....	Lee
F. E. WALLACE.....	Kinston.....	Lenoir

## GENERAL ASSEMBLY

## REPRESENTATIVES—CONTINUED

NAME	ADDRESS	COUNTY
JAMES A. ABERNETHY, JR.	Lincolnton	Lincoln
DR. W. A. ROGERS	Franklin	Macon
DR. J. H. HUTCHINS (R)	Marshall	Madison
CLARENCE W. GRIFFIN	Williamston	Martin
J. C. RABB	Marion	McDowell
H. I. McDougLE	Charlotte	Mecklenburg
E. T. TONISEN	Charlotte	Mecklenburg
J. B. VOGLER	Charlotte	Mecklenburg
W. F. HUGHES (R)	Bakersville	Mitchell
E. R. BURT	Biscoe	Montgomery
J. HAWLEY POOLE	West End	Moore
CLAUDE C. ABERNATHY	Spring Hope	Nash
THOMAS J. PEARSALL	Rocky Mount	Nash
J. Q. LeGRAND	Wilmington	New Hanover
JOHN R. MORRIS	Wilmington, RFD	New Hanover
H. RUSSELL HARRIS	Seaboard	Northampton
I. J. KELLUM	Jacksonville	Onslow
J. W. UMSTEAD, JR.	Chapel Hill	Orange
R. DAWSON DELAMAR	Oriental	Pamlico
F. WEBB WILLIAMS	Elizabeth City	Pasquotank
C. D. McGOWEN	Willard	Pender
J. T. BENTON	Hertford, RFD	Perquimans
ROBERT P. BURNS	Roxboro	Person
DR. W. I. WOOTEN	Greenville	Pitt
S. O. WORTHINGTON	Greenville	Pitt
CARROLL P. ROGERS	Tryon	Folk
JOSEPH D. ROSS	Asheboro	Randolph
HENRY F. BROWN	East Rockingham	Richmond
DR. C. T. JOHNSON	Red Springs	Robeson
ROGER R. PITMAN	Barnesville	Robeson
JOE W. GARRETT	Reidsville	Rockingham
T. CLARENCE STONE	Stoneville	Rockingham
KERR CRAIGIE RAMSAY	Salisbury	Rowan
GEORGE R. UZZELL	Salisbury	Rowan
GRADY WITHROW	Hollis	Rutherford
CHAS. F. HONEYCUTT (R)	Clinton	Sampson
O. L. MOORE	Laurinburg	Scotland
J. HEATH KLUTTZ	Albemarle	Stanly
ED M. TAYLOR	Walnut Cove	Stokes
HENRY C. DOBSON	Elkin	Surry
McKINLEY EDWARDS	Bryson City	Swain
M. W. GALLOWAY	Brevard	Transylvania
C. EARL COHOON	Columbia	Tyrrell
O. L. RICHARDSON	Monroe	Union
IRVINE B. WATKINS	Henderson	Vance
ARCH T. ALLEN	Raleigh	Wake
J. LeROY ALLEN	Raleigh	Wake
WILLIAM T. HATCH	Raleigh	Wake
JOHN KERR, JR.	Warrenton	Warren
W. M. DARDEN	Plymouth	Washington
GORDON WINKLER	Boone	Watauga
J. LESLIE CRAWFORD	Pikeville	Wayne
W. FRANK TAYLOR	Goldsboro	Wayne
T. E. STORY (R)	Wilkesboro	Wilkes
LARRY I. MOORE, JR.	Wilson	Wilson
HOVEY NORMAN (R)	East Bend	Yadkin
DOVER R. FOUTS	Burnsville	Yancey

## ENROLLING AND INDEXING DEPARTMENTS

NAME	POSITION	POST OFFICE
THOMAS C. ROYSTER	Enrolling Clerk	Oxford, N. C.
WILLIAM C. LASSITER	Indexer of Laws	Raleigh, N. C.



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CONSTITUTION  
OF THE  
State of North Carolina

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PREAMBLE

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union, and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution:

Preamble.

ARTICLE I

DECLARATION OF RIGHTS

That the great, general and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare:

SECTION 1. *The equality and rights of men.* That we hold it to be self-evident that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

The equality and inalienable rights of men.

SEC. 2. *Political power and government.* That all political power is vested in, and derived from, the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Political power and government.

SEC. 3. *Internal government of the State.* That the people of this State have the inherent, sole and exclusive right of regulating the internal government and policies thereof, and of altering and abolishing their Constitution and form of government whenever it may be necessary for their safety and happiness; but every such right should be exercised in pursuance of the law, and consistently with the Constitution of the United States.

Internal government of the State.

SEC. 4. *That there is no right to secede.* That this State shall ever remain a member of the American Union; that the people thereof are a part of the American Nation; that there is no right on the part of the State to secede, and that all

That there is no right to secede.

attempts, from whatever source or upon whatever pretext, to dissolve said Union or to sever said Nation, ought to be resisted with the whole power of the State.

Paramount  
allegiance to  
the U. S. Gov-  
ernment.

SEC. 5. *Of allegiance to the United States government.* That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof can have any binding force.

Public debt;  
bonds issued  
under ordinance  
of Convention of  
1868, 1868-'69,  
1869-'70 declared  
invalid.

SEC. 6. *Public debt; bonds issued under ordinance of Convention of 1868, '68-'69, '69-'70, declared invalid; exception.* The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the Convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond incurred or issued by the Legislature of the year one thousand eight hundred and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight, or at its regular sessions of the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the State, at a regular election held for that purpose.

Exception.

Exclusive emolu-  
ments, etc.

SEC. 7. *Exclusive emoluments, etc.* No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

The legislative,  
executive and  
judicial powers  
distinct.

SEC. 8. *The legislative, executive and judicial powers distinct.* The legislative, executive and supreme judicial powers of the government ought to be forever separate and distinct from each other.

Of the power of  
suspending laws.

SEC. 9. *Of the power of suspending laws.* All powers of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

Election free.

SEC. 10. *Elections free.* All elections ought to be free.

In criminal  
prosecutions.

SEC. 11. *In criminal prosecutions.* In all criminal prosecutions, every man has the right to be informed of the accusation against him and to confront the accusers and witnesses with

other testimony, and to have counsel for his defense, and not be compelled to give evidence against himself, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

SEC. 12. *Answers to criminal charges.* No person shall be put to answer any criminal charge except as hereinafter allowed, but by indictment, presentment, or impeachment. Answers to criminal charges.

SEC. 13. *Right of jury.* No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open court. The Legislature may, however, provide other means of trial for petty misdemeanors, with the right of appeal. Right of trial by jury.

SEC. 14. *Excessive bail.* Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. Excessive bail.

SEC. 15. *General warrants.* General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted. General warrants.

SEC. 16. *Imprisonment for debt.* There shall be no imprisonment for debt in this State, except in cases of fraud. Imprisonment for debt.

SEC. 17. *No person taken, etc., but by law of the land.* No person ought to be taken, imprisoned, or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the law of the land. No person taken, etc., but by law of the land.

SEC. 18. *Persons restrained of liberty.* Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed. Persons restrained of liberty.

SEC. 19. *Controversies at law respecting property.* In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable. Controversies at law respecting property.

SEC. 20. *Freedom of the press.* The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same. Freedom of the press.

SEC. 21. *Habeas corpus.* The privileges of the writ of *habeas corpus* shall not be suspended. *Habeas corpus.*

SEC. 22. *Property qualification.* As political rights and privileges are not dependent upon, or modified by, property, therefore no property qualification ought to affect the right to vote or hold office. Property qualification.

Representation  
and taxation.

SEC. 23. *Representation and taxation.* The people of the State ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their representatives in General Assembly, freely given.

Militia and the  
right to bear  
arms.

SEC. 24. *Militia and the right to bear arms.* A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

Right of the  
people to as-  
semble together.

SEC. 25. *Right of the people to assemble together.* The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberty of a free people, and should not be tolerated.

Religious liberty.

SEC. 26. *Religious liberty.* All men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

Education.

SEC. 27. *Education.* The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Elections should  
be frequent.

SEC. 28. *Elections should be frequent.* For redress of grievances, and for amending and strengthening the laws, elections should be often held.

Recurrence to  
fundamental  
principles.

SEC. 29. *Recurrence to fundamental principles.* A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Hereditary emolu-  
ments, etc.

SEC. 30. *Hereditary emoluments, etc.* No hereditary emoluments, privileges, or honors ought to be granted or conferred in this State.

Perpetuities, etc.

SEC. 31. *Perpetuities, etc.* Perpetuities and monopolies are contrary to the genius of a free State and ought not to be allowed.

*Ex post facto*  
laws.

SEC. 32. *Ex post facto laws.* Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore no *ex post facto* law ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.

SEC. 33. *Slavery prohibited.* Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be, and are hereby forever prohibited within the State.

Slavery prohibited.

SEC. 34. *State boundaries.* The limits and boundaries of the State shall be and remain as they now are.

State boundaries.

SEC. 35. *Courts shall be open.* All courts shall be open; and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

Courts shall be open.

SEC. 36. *Soldiers in time of peace.* No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner prescribed by law.

Soldiers in time of peace.

SEC. 37. *Other rights of the people.* This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

Other rights of the people.

## ARTICLE II

### LEGISLATIVE DEPARTMENT

SECTION 1. *Two branches.* The legislative authority shall be vested in two distinct branches, both dependent on the people, to-wit: a Senate and House of Representatives.

Two branches.

SEC. 2. *Time of assembling.* The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in January next after their election; and, when assembled, shall be denominated the General Assembly. Neither house shall proceed upon public business unless a majority of all the members are actually present.

Time of assembling.

SEC. 3. *Number of Senators.* The Senate shall be composed of fifty Senators, biennially chosen by ballot.

Number of senators.

SEC. 4. *Regulations in relation to districting the State for Senators.* The Senate Districts shall be so called by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate District shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate District, unless such county shall be equitably entitled to two or more Senators.

Regulations in relation to districting the State for senators.

SEC. 5. *Regulations in relation to apportionment of representatives.* The House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by the counties respectively, according to

Regulations in relation to apportionment of representatives.



their population, and each county shall have at least one Representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the districts of the Senate are hereinbefore directed to be laid off.

Ratio of  
representation.

SEC. 6. *Ratio of representation.* In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio there shall be assigned one Representative; to each county containing two but not three times the said ratio there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

Qualifications  
for senators.

SEC. 7. *Qualifications for senators.* Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the district for which he was chosen one year immediately preceding his election.

Qualifications  
for repre-  
sentatives.

SEC. 8. *Qualifications for representatives.* Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen for one year immediately preceding his election.

Election of  
officers.

SEC. 9. *Election of officers.* In the election of all officers whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be *viva voce*.

Powers in rela-  
tion to divorce  
and alimony.

SEC. 10. *Powers in relation to divorce and alimony.* The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

Private laws  
in relation to  
names of  
persons, etc.

SEC. 11. *Private laws in relation to names of persons, etc.* The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

Thirty days'  
notice shall be  
given anterior  
to passage of  
private laws.

SEC. 12. *Thirty days' notice shall be given anterior to passage of private laws.* The General Assembly shall not pass any private law, unless it shall be made to appear that thirty



days' notice of application to pass such a law shall have been given, under such direction and in such manner as shall be provided by law.

SEC. 13. *Vacancies.* If vacancies shall occur in the General Assembly by death, resignation, or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law. Vacancies.

SEC. 14. *Revenue.* No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal. Revenue.

SEC. 15. *Entails.* The General Assembly shall regulate entails in such a manner as to prevent perpetuities. Entails.

SEC. 16. *Journals.* Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly. Journals.

SEC. 17. *Protest.* Any member of either House may dissent from, and protest against, any act or resolve which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journal. Protest.

SEC. 18. *Officers of the House.* The House of Representatives shall choose their own Speaker and other officers. Officers of the House.

SEC. 19. *President of the Senate.* The Lieutenant-Governor shall preside in the Senate, but shall have no vote unless it may be equally divided. President of the Senate.

SEC. 20. *Other senatorial officers.* The Senate shall choose its other officers and also a Speaker (*pro tempore*) in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor. Other senatorial officers.

SEC. 21. *Style of the acts.* The style of the acts shall be: "The General Assembly of North Carolina do enact." Style of the acts.

SEC. 22. *Powers of the General Assembly.* Each House shall be judge of the qualifications and election of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws; and the two Houses may also jointly adjourn to any future day, or other place. Powers of the General Assembly.

Bills and resolutions to be read three times, etc.

SEC. 23. *Bills and resolutions to be read three times, etc.* All bills and resolutions of a legislative nature shall be read three times in each House before they pass into laws, and shall be signed by the presiding officers of both Houses.

Oath of members.

SEC. 24. *Oath of members.* Each member of the General Assembly, before taking his seat, shall take an oath of affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

Terms of office.

SEC. 25. *Terms of office.* The terms of office for Senators and members of the House of Representatives shall commence at the time of their election.

Yeas and nays.

SEC. 26. *Yeas and nays.* Upon motion made and seconded in either House by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals.

Election for members of the General Assembly.

SEC. 27. *Election for members of the General Assembly.* The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections. (Changed to Tuesday after first Monday in November. c. 275—1876.)

Pay of members and officers of the General Assembly.

SEC. 28. *Pay of members and officers of the General Assembly.* The members of the General Assembly for the term of their office shall receive a salary for their services of six hundred dollars each. The salaries of the presiding officers of the two Houses shall be seven hundred dollars each: *Provided*, that in addition to the salaries herein provided for, should an extra session of the General Assembly be called, the members shall receive eight dollars per day each, and the presiding officers of the two Houses ten dollars per day each, for every day of such extra session not exceeding twenty days; and should an extra session continue more than twenty days, the members and officers shall serve thereafter without pay.

Limitations upon power of General Assembly to enact private or special legislation.

SEC. 29. *Limitations upon power of General Assembly to enact private or special legislation.* The General Assembly shall not pass any local, private, or special act or resolution relating to the establishment of courts inferior to the Superior Court; relating to the appointment of justices of the peace; relating to health, sanitation, and the abatement of nuisances; changing the names of cities, towns, and townships; authorizing the laying out, opening, altering, maintaining, or dis-

continuing of highways, streets, or alleys; relating to ferries or bridges; relating to non-navigable streams; relating to cemeteries; relating to the pay of jurors; erecting new townships, or changing township lines, or establishing or changing the lines of school districts; remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury; regulating labor, trade, mining, or manufacturing; extending the time for the assessment or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability; giving effect to informal wills and deeds; nor shall the General Assembly enact any such local, private or special act by the partial repeal of a general law, but the General Assembly may at any time repeal local, private, or special laws enacted by it. Any local, private, or special act or resolution passed in violation of the provisions of this section shall be void. The General Assembly shall have power to pass general laws regulating matters set out in this section.

SEC. 30. The General Assembly shall not use nor authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which said sinking fund has been created.

Inviolability of sinking funds.

### ARTICLE III

#### EXECUTIVE DEPARTMENT

SECTION 1. *Officers of the Executive Department; terms of office.* The Executive Department shall consist of a Governor, in whom shall be vested the supreme executive power of the State; a Lieutenant-Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, and an Attorney-General, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: *Provided*, that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January.

Officers of the Executive Department.

Terms of office.

SEC. 2. *Qualifications of Governor and Lieutenant-Governor.* No person shall be eligible as Governor or Lieutenant-Governor unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years, unless the office shall have been cast upon him as Lieutenant-Governor or President of the Senate.

Qualifications of Governor and Lieutenant-Governor.

Returns of  
election.

SEC. 3. *Returns of election.* The returns of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officer, directed to the Secretary of State. The return shall be canvassed and the result declared in such manner as may be prescribed by law. Contested elections shall be determined by a joint ballot of both Houses of the General Assembly in such manner as shall be prescribed by law.

Oath of office  
for Governor.

SEC. 4. *Oath of office for Governor.* The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor, to which he has been elected.

Duties of  
Governor.

SEC. 5. *Duties of Governor.* The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

Reprieves, com-  
mutations and  
pardons.

SEC. 6. *Reprieves, commutations, and pardons.* The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation, or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon, or reprieve, and the reasons therefor.

Annual reports  
from officers  
of Executive  
Department and  
of public insti-  
tutions.

SEC. 7. *Annual reports from officers of Executive Department and of public institutions.* The officers of the Executive Department and of the public institutions of the State shall, at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Commander-  
in-chief.

SEC. 8. *Commander-in-chief.* The Governor shall be Commander-in-chief of the militia of the State, except when they shall be called into the service of the United States.

Extra sessions  
of General  
Assembly.

SEC. 9. *Extra sessions of General Assembly.* The Governor shall have power, on extraordinary occasions, by and with



the advice of the Council of State, to convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

SEC. 10. *Officers whose appointments are not otherwise provided for.* The Governor shall nominate, and, by and with the advice and consent of a majority of the Senators-elect, appoint all officers whose offices are established by this Constitution and whose appointments are not otherwise provided for.

Officers whose appointments are not otherwise provided for.

SEC. 11. *Duties of the Lieutenant-Governor.* The Lieutenant-Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall, whilst acting as President of the Senate, receive for his services the same pay which shall, for the same period, be allowed to the Speaker of the House of Representatives; and he shall receive no other compensation except when he is acting as Governor.

Duties of the Lieutenant-Governor.

SEC. 12. *In case of impeachment of Governor, or vacancy caused by death or resignation.* In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or, in case the office of Governor shall in any wise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant-Governor until the disability shall cease or a new Governor shall be elected and qualified. In every case in which the Lieutenant-Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant-Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities are removed, or a new Governor or Lieutenant-Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for the President of the Senate to administer the government, the Secretary of State shall convene the Senate, that they may elect such President.

In case of impeachment of Governor, or vacancy caused by death or resignation.

SEC. 13. *Duties of other executive officers.* The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, and Attorney-General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this article.

Duties of other executive officers.

Council of State.

SEC. 14. *Council of State.* The Secretary of State, Auditor, Treasurer, and Superintendent of Public Instruction shall constitute, *ex officio*, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity shall be entered in a journal, to be kept for this purpose exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either House. The Attorney-General shall be, *ex officio*, the legal adviser of the Executive Department.

Compensation of executive officers.

SEC. 15. *Compensation of executive officers.* The officers mentioned in this article shall, at stated periods, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the time for which they shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

Seal of State.

SEC. 16. *Seal of State.* There shall be a seal of the State, which shall be kept by the Governor, and used by him, as occasion may require, and shall be called "The Great Seal of the State of North Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The Great Seal of the State," and signed by the Governor, and countersigned by the Secretary of State.

Department of Agriculture, Immigration and Statistics.

SEC. 17. *Department of Agriculture, Immigration, and Statistics.* The General Assembly shall establish a Department of Agriculture, Immigration, and Statistics, under such regulations as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

Department of Justice.

SEC. 18. The General Assembly is authorized and empowered to create a Department of Justice under the supervision and direction of the Attorney-General, and to enact suitable laws defining the authority of the Attorney-General and other officers and agencies concerning the prosecution of crime and the administration of the criminal laws of the State.

## ARTICLE IV

### JUDICIAL DEPARTMENT

Abolishes the distinction between actions at law and suits in equity.

SECTION 1. *Abolishes the distinction between actions at law and suits in equity, and feigned issues.* The distinction between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished; and there shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party, against



a person charged with a public offense, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the facts at issue tried by order of court before a jury.

Feigned issues abolished.

SEC. 2. *Division of judicial powers.* The judicial power of the State shall be vested in a Court for the Trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and such other courts inferior to the Supreme Court as may be established by law.

Division of judicial powers.

SEC. 3. *Trial court of impeachment.* The Court for the Trial of Impeachments shall be the Senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from and disqualification to hold office in this State; but the party shall be liable to indictment and punishment according to law.

Trial court of impeachment.

SEC. 4. *Impeachment.* The House of Representatives solely shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor is impeached, the Chief Justice shall preside.

Impeachment.

SEC. 5. *Treason against the State.* Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Treason against the State.

SEC. 6. *Supreme Court.* The Supreme Court shall consist of a Chief Justice and four Associate Justices. The General Assembly may increase the number of Associate Justices to not more than six, when the work of the Court so requires. The Court shall have power to sit in divisions, when in its judgment this is necessary for the proper dispatch of business, and to make rules for the distribution of business between the divisions and for the hearing of cases by the full Court. No decision of any division shall become the judgment of the Court unless concurred in by a majority of all the Justices; and no case involving a construction of the Constitution of the State or of the United States shall be decided except by the Court *en bloc*. All sessions of the Court shall be held in the city of Raleigh. This amendment made to the Constitution of North Carolina shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled or held by virtue of any election or appointment under the said Constitution, and the laws of the State made in pursuance thereof.

Supreme Court.

SEC. 7. *Terms of the Supreme Court.* The terms of the Supreme Court shall be held in the city of Raleigh, as now, until otherwise provided by the General Assembly.

Terms of the Supreme Court.

Jurisdiction of  
Supreme Court.

SEC. 8. *Jurisdiction of Supreme Court.* The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter of law or legal inference. And the jurisdiction of said Court over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the Court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts.

Claims against  
the State.

SEC. 9. *Claims against the State.* The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

Judicial districts  
for Superior  
Courts.

SEC. 10. *Judicial districts for Superior Courts.* The State shall be divided into nine judicial districts, for each of which a judge shall be chosen; and there shall be held a Superior Court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the General Assembly may reduce or increase the number of districts. (Changed by act of General Assembly to twenty districts.)

Residences of  
judges, rotation  
in judicial dis-  
tricts, and special  
terms.

SEC. 11. *Residences of judges, rotation in judicial districts, and special terms.* Every judge of the Superior Court shall reside in the district for which he is elected. The judges shall preside in the courts of the different districts successively, but no judge shall hold the courts in the same district oftener than once in four years; but in case of the protracted illness of the judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall be unable to preside, the Governor may require any judge to hold one or more specified terms in said district, in lieu of the judge assigned to hold the courts of the said district; and the General Assembly may by general laws provide for the selection of special or emergency judges to hold the Superior Courts of any county, or district, when the judge assigned thereto, by reason of sickness, disability, or other cause, is unable to attend and hold said court, and when no other judge is available to hold the same. Such special or emergency judges shall have the power and authority of regular judges of the Superior Courts, in the courts which they are so appointed to hold; and the General Assembly shall provide for their reasonable compensation.

Power to provide  
for special or  
emergency  
judges.

Power and au-  
thority of emer-  
gency judges.

Jurisdiction of  
courts inferior to  
Supreme Court.

SEC. 12. *Jurisdiction of courts inferior to Supreme Court.* The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a coördinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction which does not

pertain to the Supreme Court among the other courts prescribed in this Constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals; and regulate by law, when necessary, the methods of proceeding in the exercise of their powers of all the courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this Constitution.

SEC. 13. *In case of waiver of trial by jury.* In all issues of fact, joined in any court, the parties may waive the right to have the same determined by a jury; in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury. In case of waiver of trial by jury.

SEC. 14. *Special courts in cities.* The General Assembly shall provide for the establishment of special courts, for the trial of misdemeanors, in cities and towns, where the same may be necessary. Special courts in cities.

SEC. 15. *Clerk of the Supreme Court.* The Clerk of the Supreme Court shall be appointed by the Court, and shall hold his office for eight years. Clerk of Supreme Court.

SEC. 16. *Election of Superior Court clerk.* A clerk of the Superior Court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly. Election of Superior Court clerk.

SEC. 17. *Term of office.* Clerks of the Superior Courts shall hold their offices for four years. Term of office.

SEC. 18. *Fees, salaries, and emoluments.* The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this article; but the salaries of the judges shall not be diminished during their continuance in office. Fees, salaries and emoluments.

SEC. 19. *What laws are, and shall be, in force.* The laws of North Carolina, not repugnant to this Constitution or the Constitution and laws of the United States, shall be in force until lawfully altered. What laws are, and shall be, in force.

SEC. 20. *Disposition of actions at law and suits in equity, pending when this Constitution shall go into effect, etc.* Actions at law and suits in equity pending when this Constitution shall go into effect shall be transferred to the courts having jurisdiction thereof, without prejudice by reason of the change; and all such actions and suits commenced before, and pending the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules. Disposition of actions at law and suits in equity, pending when this Constitution shall go into effect, etc.

SEC. 21. *Elections, terms of office, etc., of Justices of the Supreme and Judges of the Superior Courts.* The Justices of the Supreme Court shall be elected by the qualified voters of Justices of Supreme Court, election of.

Term of office.

Judges of  
Superior Court,  
election of.

the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The judges of the Superior Courts, elected at the first election under this amendment, shall be elected in like manner as is provided for Justices of the Supreme Court, and shall hold their offices for eight years. The General Assembly may, from time to time, provide by law that the judges of the Superior Courts, chosen at succeeding elections, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

Transaction of  
business in the  
Superior Courts.

SEC. 22. *Transaction of business in the Superior Courts.* The Superior Courts shall be, at all times, open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury.

Solicitors for  
each judicial  
district.

SEC. 23. *Solicitors for each judicial district.* A solicitor shall be elected for each judicial district, by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State, in all criminal actions in the Superior Courts, and advise the officers of justice in his district.

Sheriffs and  
coroners.

SEC. 24. *Sheriffs and coroners.* In each county a sheriff and coroner shall be elected by the qualified voters thereof, as is prescribed for members of the General Assembly, and shall hold their offices for four years. In each township there shall be a constable elected in like manner by the voters thereof, who shall hold his office for two years. When there is no coroner in a county, the clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause in any of the offices created by this section, the commissioners of the county may appoint to such office for the unexpired term.

Vacancies.

SEC. 25. *Vacancies.* All vacancies occurring in the offices provided for by this article of the Constitution shall be filled by the appointments of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly, when elections shall be held to fill such offices. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such offices shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

Terms of office  
of first officers.

SEC. 26. *Terms of office of first officers.* The officers elected at the first election held under this Constitution shall hold their offices for the terms prescribed for them, respectively, next ensuing after the next regular election for members of the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.



SEC. 27. *Jurisdiction of justices of the peace.* The several justices of the peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions, founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars or imprisonment for thirty days. And the General Assembly may give to the justices of the peace jurisdiction of other civil actions wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact shall be joined before a justice, on demand of either party thereto, he shall cause a jury of six men to be summoned, who shall try the same. The party against whom the judgment shall be rendered in any civil action may appeal to the Superior Court from the same. In all cases of a criminal nature the party against whom the judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a justice, he shall make a record of the proceedings, and file same with the clerk of the Superior Court for his county.

Jurisdiction of justices of the peace.

SEC. 28. *Vacancies in office of justices.* When the office of justice of the peace shall become vacant otherwise than by expiration of the term, and in case of a failure by the voters of any district to elect, the clerk of the Superior Court for the county shall appoint to fill the vacancy for the unexpired term.

Vacancies in office of justices.

SEC. 29. *Vacancies in office of Superior Court Clerk.* In case the office of clerk of a Superior Court for a county shall become vacant otherwise than by the expiration of the term, and in case of a failure by the people to elect, the judge of the Superior Court for the county shall appoint to fill the vacancy until an election can be regularly held.

Vacancies in office of Superior Court clerk.

SEC. 30. *Officers of other courts inferior to Supreme Court.* In case the General Assembly shall establish other courts inferior to the Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.

Officers of other courts inferior to Supreme Court.

SEC. 31. *Removal of judges of the various courts for inability.* Any judge of the Supreme Court, or of the Superior Courts, and the presiding officers of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both Houses of the General Assembly. The judge or presiding officer against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereon.

Removal of judges of various courts for inability.

Removal of clerks  
of the various  
courts for  
inability.

SEC. 32. *Removal of clerks of the various courts for inability.* Any clerk of the Supreme Court, or of the Superior Courts, or of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability; the clerk of the Supreme Court by the judges of said Court, the clerks of the Superior Courts by the judge riding the district, and the clerks of such courts inferior to the Supreme Court as may be established by law by the presiding officers of said courts. The clerk against whom proceedings are instituted shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day appointed to act thereon, and the clerk shall be entitled to an appeal to the next term of the Superior Court, and thence to the Supreme Court, as provided in other cases of appeals.

Amendments not  
to vacate exist-  
ing offices.

SEC. 33. *Amendments not to vacate existing offices.* The amendments made to the Constitution of North Carolina by this Convention shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled, or held by virtue of any election or appointment under the said Constitution, and the laws of the State made in pursuance thereof.

## ARTICLE V

### REVENUE AND TAXATION

Capitation tax.

SECTION 1. *Capitation tax; exemptions.* The General Assembly may levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which said tax shall not exceed two dollars, and cities and towns may levy a capitation tax which shall not exceed one dollar. No other capitation tax shall be levied. The commissioners of the several counties and of the cities and towns may exempt from the capitation tax any special cases on account of poverty or infirmity.

Exemptions.

Applications of  
proceeds of State  
and county capita-  
tion tax.

SEC. 2. *Application of proceeds of State and county capitation tax.* The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent thereof be appropriated to the latter purpose.

State taxation.

Taxes uniform  
as to each class  
of property taxed.

SEC. 3. *State taxation.* The power of taxation shall be exercised in a just and equitable manner, and shall never be surrendered, suspended, or contracted away. Taxes on property shall be uniform as to each class of property taxed. Taxes shall be levied only for public purposes, and every act levying a tax shall state the object to which it is to be applied. The General Assembly may also tax trades, professions, franchises, and incomes: *Provided*, the rate of tax on income shall not in any case exceed ten per cent (10%), and there shall be allowed the following exemptions, to be deducted from the amount of annual incomes, to wit: for married man with a wife living with him,

Exemptions.

or to a widow or widower having minor child or children, natural or adopted, not less than \$2,000; to all other persons not less than \$1,000, and there may be allowed other deductions (not including living expenses) so that only net incomes are taxed.

SEC. 4. *Limitations upon the increase of Public debts.* The General Assembly shall have the power to contract debts and to pledge the faith and credit of the State and to authorize counties and municipalities to contract debts and pledge their faith and credit, for the following purposes: To fund or refund a valid existing debt; to borrow in anticipation of the collection of taxes due and payable within the fiscal year to an amount not exceeding fifty per centum of such taxes; to supply a casual deficit; to suppress riots or insurrections, or to repel invasions. For any purpose other than these enumerated the General Assembly shall have no power, during any biennium, to contract new debts on behalf of the State to an amount in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the next preceding biennium, unless the subject be submitted to a vote of the people of the State; and for any purpose other than these enumerated the General Assembly shall have no power to authorize counties or municipalities to contract debts, and counties and municipalities shall not contract debts, during any fiscal year, to an amount exceeding two-thirds of the amount by which the outstanding indebtedness of the particular county or municipality shall have been reduced during the next preceding fiscal year, unless the subject be submitted to a vote of the people of the particular county or municipality. In any election held in the State or in any county or municipality under the provisions of this section, the proposed indebtedness must be approved by a majority of those who shall vote thereon. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.

Limitations upon  
the increase of  
public debts.

SEC. 5. *Property exempt from taxation.* Property belonging to the State, or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, charitable, or religious purposes; also wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers; libraries and scientific instruments, or any other personal property, to a value not exceeding three hundred dollars. The General Assembly may exempt from taxation not exceeding one thousand dollars (\$1,000.00) in value of property held and used as the place of residence of the owner.

Property exempt  
from taxation.

Taxes levied  
for counties.

SEC. 6. *Taxes levied for counties.* The total of the State and county tax on property shall not exceed fifteen cents on the one hundred dollars value of property, except when the county property tax is levied for a special purpose and with the special approval of the General Assembly, which may be done by special or general act: *Provided*, this limitation shall not apply to taxes levied for the maintenance of public schools of the State for the term required by article nine, section three, of the Constitution: *Provided, further*, the State tax shall not exceed five cents on the one hundred dollars value of property.

Acts levying  
taxes shall state  
objects, etc.

SEC. 7. *Acts levying taxes shall state objects, etc.* Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

## ARTICLE VI

### SUFFRAGE AND ELIGIBILITY TO OFFICE

Who may vote.

SEC. 1. *Who may vote.* Every male person born in the United States, and every male person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people in the State, except as herein otherwise provided. (The effect of the 19th Amendment to the United States Constitution was to strike out the word *male*.)

Qualifications  
of voters.

SEC. 2. *Qualifications of voters.* He shall reside in the State of North Carolina for one year, and in the precinct, ward, or other election district in which he offers to vote four months next preceding election: *Provided*, that removal from one precinct, ward or other election district to another in the same county shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which he has removed until four months after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment, of any crime the punishment of which now is, or may hereafter be, imprisonment in the State's Prison, shall be permitted to vote, unless the said person shall be first restored to citizenship in the manner prescribed by law.

Voters to be  
registered.

SEC. 3. *Voters to be registered.* Every person offering to vote shall be at the time a legally registered voter as herein prescribed and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article.

General Assembly  
to provide regis-  
tration laws.

Qualification for  
registration.

SEC. 4. *Qualification for registration.* Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the



United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided*, he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration; and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section 2 of this article.

Registration of persons entitled to vote without educational qualifications.

Permanent record.

SEC. 5. *Indivisible plan; legislative intent.* That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts, and to make them so dependent upon each other that the whole shall stand or fall together.

Amendment indivisible.

SEC. 6. *Elections by people and General Assembly.* All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce*.

Elections by people and General Assembly.

SEC. 7. *Eligibility to office; official oath.* Every voter in North Carolina, except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office he shall take and subscribe the following oath:

Eligibility to office; official oath.

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as \_\_\_\_\_. So help me, God."

SEC. 8. *Disqualification for office.* The following classes of persons shall be disqualified for office: *First*, all persons who shall deny the being of Almighty God. *Second*, all persons who shall have been convicted or confessed their guilt on indictment pending, and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption or malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

Disqualification for office.

SEC. 9. *When this chapter operative.* That this amendment to the Constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment.

When this chapter operative.

## ARTICLE VII

## MUNICIPAL CORPORATIONS

County officers.

SECTION 1. *County officers.* In each county there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A treasurer, register of deeds, surveyor, and five commissioners.

Duty of county commissioners.

SEC. 2. *Duty of county commissioners.* It shall be the duty of the commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes, and finances of the county, as may be prescribed by law. The register of deeds shall be *ex officio* clerk of the board of commissioners.

Counties to be divided into districts.

SEC. 3. *Counties to be divided into districts.* It shall be the duty of the commissioners first elected in each county to divide the same into convenient districts, to determine the boundaries and prescribe the name of the said districts, and to report the same to the General Assembly before the first day of January, 1869.

Townships have corporate powers.

SEC. 4. *Townships have corporate powers.* Upon the approval of the reports provided for in the foregoing section, by the General Assembly, the said districts shall have corporate powers for the necessary purposes of local government, and shall be known as townships.

Officers of townships.

SEC. 5. *Officers of townships.* In each township there shall be biennially elected, by the qualified voters thereof, a clerk and two justices of the peace, who shall constitute a board of trustees, and shall, under the supervision of the county commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a large number of justices of the peace in cities and towns, and in those townships in which cities and towns are situated. In every township there shall also be biennially elected a school committee, consisting of three persons, whose duties shall be prescribed by law. (Amended by c. 141, 1877.)

Trustees shall assess property.

SEC. 6. *Trustees shall assess property.* The township board of trustees shall assess the taxable property of their townships and make returns to the county commissioners for revision, as may be prescribed by law. The clerk shall be, *ex officio*, treasurer of the township.

No debt or loan except by a majority of voters.

SEC. 7. *No debt or loan except by a majority of voters.* No county, city, town, or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same except

for the necessary expenses thereof, unless by a vote of the majority of the qualified voters therein.

SEC. 8. *No money drawn except by law.* No money shall be drawn from any county or township treasury except by authority of law. Drawing of money.

SEC. 9. *When officers enter on duty.* The county officers first elected under the provisions of this article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States. When officers enter on duty.

SEC. 10. *Governor to appoint justices.* The Governor shall appoint a sufficient number of justices of the peace in each county, who shall hold their places until sections four, five, and six of this article shall have been carried into effect. Governor to appoint justices.

SEC. 11. *Charters to remain in force until legally changed.* All charters, ordinances, and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution. Charters to remain in force until legally changed.

SEC. 12. *Debts in aid of the rebellion not to be paid.* No county, city, town, or other municipal corporation shall assume to pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid of or support of the rebellion. Debts in aid of the rebellion not to be paid.

SEC. 13. *Powers of General Assembly over municipal corporations.* The General Assembly shall have full power by statute to modify, change, or abrogate any and all of the provisions of this article, and substitute others in their place, except sections seven, nine, and thirteen. (Recent amendment repealed old section 9 and renumbered sections 10-14.) (Under this authority several amendments have been made to this article.) Powers of General Assembly over municipal corporations.

## ARTICLE VIII

### CORPORATIONS OTHER THAN MUNICIPAL

SECTION 1. *Corporations under general laws.* No corporation shall be created, nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the chartering and organization of all corporations, and for amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general laws and special acts may be altered from time to time or repealed; and the General Assembly may at any time by special act repeal the charter of any corporation. Restrictions of legislative powers as to corporations.

Organization of corporations.

Debts of corporations, how secured.

SEC. 2. *Debts of corporations, how secured.* Dues from corporations shall be secured by such individual liabilities of the corporations, and other means, as may be prescribed by law.

What corporations shall include.

SEC. 3. *What corporations shall include.* The term "Corporation," as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all courts in like cases as natural persons.

General laws for organization and government of municipalities.

SEC. 4. *Legislature to provide for organizing cities, towns, etc.* It shall be the duty of the Legislature to provide by general laws for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations.

## ARTICLE IX

### EDUCATION

Education shall be encouraged.

SECTION 1. *Education shall be encouraged.* Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

General Assembly shall provide for schools.

SEC. 2. *General Assembly shall provide for schools; separation of the races.* The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of, or to the prejudice of, either race.

Separation of races.

Counties to be divided into districts.

SEC. 3. *Counties to be divided into districts.* Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least six months in every year; and if the commissioners of any county shall fail to comply with the aforesaid requirements of this section, they shall be liable to indictment.

What property shall be devoted to educational purposes.

SEC. 4. *What property devoted to educational purposes.* The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise, appropriated by this State or the United States; also all moneys, stocks, bonds, and other property now belonging to any State fund for purposes of education, also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises that have been or here-



after may be made to the State, and not otherwise appropriated by the State or by the terms of the grant, gift, or devise, shall be paid into the State treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

SEC. 5. *County school fund; proviso.* All moneys, stocks, bonds, and other property belonging to a county school fund; also the net proceeds from the sale of estrays; also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State; and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State: *Provided*, that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

County school fund.

Proviso.

SEC. 6. *Election of trustees, and provisions for maintenance, of the University.* The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof in any wise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws, and regulations from time to time as may be necessary and expedient for the maintenance and management of said University.

Election of trustees and provisions for maintenance of the University.

SEC. 7. *Benefits of the University.* The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also, that all the property which has heretofore accrued to the State, or shall hereafter accrue, from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

Benefits of the University.

SEC. 8. *Board of Education.* The Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction, and Attorney-General shall constitute a State Board of Education.

Board of Education.

SEC. 9. *President and secretary.* The Governor shall be president and the Superintendent of Public Instruction shall be secretary of the Board of Education.

President and Secretary.

SEC. 10. *Powers of the board.* The Board of Education shall succeed to all the powers and trusts of the president and directors of the Literary Fund of North Carolina, and shall have full power to legislate and make all needful rules and

Powers of the board.

regulations in relation to free public schools and the educational fund of the State; but all acts, rules, and regulations of said board may be altered, amended, or repealed by the General Assembly, and when so altered, amended, or repealed, they shall not be reenacted by the board.

First session  
of board

SEC. 11. *First session of the board.* The first session of the Board of Education shall be held at the Capital of the State within fifteen days after the organization of the State government under this Constitution; the time of future meetings may be determined by the board.

Quorum.

SEC. 12. *Quorum.* A majority of the board shall constitute a quorum for the transaction of business.

Expenses.

SEC. 13. *Expenses.* The contingent expenses of the board shall be provided by the General Assembly.

Agricultural  
department.

SEC. 14. *Agricultural department.* As soon as practicable after the adoption of this Constitution, the General Assembly shall establish and maintain, in connection with the University, a department of agriculture, of mechanics, of mining, and of normal instruction.

Children must  
attend school.

SEC. 15. *Children must attend school.* The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

## ARTICLE X

### HOMESTEADS AND EXEMPTIONS

Exemptions of  
personal property

SECTION 1. *Exemptions of personal property.* The personal property of any resident of this State, to the value of five hundred dollars, to be selected by such resident, shall be and is hereby exempted from sale under execution or other final process of any court, issued for the collection of any debt.

Homestead.

SEC. 2. *Homestead.* Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town, or village with the dwellings and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes or for payment of obligations contracted for the purchase of said premises.

Homestead  
exemption  
from debt.

SEC. 3. *Homestead exemption from debt.* The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children, or any of them.



SEC. 4. *Laborer's lien.* The provisions of sections one and two of this article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises. Laborer's lien.

SEC. 5. *Benefit of widow.* If the owner of a homestead dies, leaving a widow but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right. Benefit of widow.

SEC. 6. *Property of married women secured to them.* The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations, or engagements of her husband, and may be devised, and bequeathed, and, with the written assent of her husband, conveyed by her as if she were unmarried. Property of married women secured to them.

SEC. 7. *Husband may insure his life for the benefit of wife and children.* The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband the amount thus insured shall be paid over to the wife and children, or to the guardian, if under age, for her or their own use, free from all the claims of the representatives of her husband, or any of his creditors. And the policy shall not be subject to claims of creditors of the insured during the life of the insured, if the insurance issued is for the sole use and benefit of the wife and/or children. Husband may insure his life for the benefit of wife and children.

SEC. 8. *How deed for homestead may be made.* Nothing contained in the foregoing sections of this article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the voluntary signature and assent of his wife, signified on her private examination according to law. How deed for homestead may be made.

## ARTICLE XI

### PUNISHMENTS, PENAL INSTITUTIONS, AND PUBLIC CHARITIES

SECTION 1. *Punishments; convict labor; proviso.* The following punishments only shall be known to the laws of this State, viz., death, imprisonment with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may Punishments.

- Convict labor. be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson: *Provided*, that no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer, except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board or some officer of this State.
- Proviso.
- Death punishment. SEC. 2. *Death punishment.* The object of punishment being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.
- Penitentiary. SEC. 3. *Penitentiary.* The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's Prison or penitentiary at some central and accessible point within the State.
- Houses of correction. SEC. 4. *Houses of correction.* The General Assembly may provide for the erection of houses of correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.
- Houses of refuge. SEC. 5. *Houses of refuge.* A house or houses of refuge may be established whenever the public interests may require it, for the correction and instruction of other classes of offenders.
- The sexes to be separated. SEC. 6. *The sexes to be separated.* It shall be required, by competent legislation, that the structure and superintendence of penal institutions of the State, county jails, and city police prisons secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.
- Provision for the poor and orphans. SEC. 7. *Provision for the poor and orphans.* Beneficent provisions for the poor, the unfortunate, and orphan being one of the first duties of a civilized and Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.
- Orphan houses. SEC. 8. *Orphan houses.* There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan houses, where destitute orphans may be cared for, educated, and taught some business or trade.
- Inebriates and idiots. SEC. 9. *Inebriates and idiots.* It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.
- Deaf-mutes, blind, and insane. SEC. 10. *Deaf-mutes, blind, and insane.* The General Assembly may provide that the indigent deaf-mute, blind, and insane of the State shall be cared for at the charge of the State.

SEC. 11. *Self-supporting.* It shall be steadily kept in view by the Legislature and the Board of Public Charities that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

## ARTICLE XII

### MILITIA

SECTION 1. *Who are liable to militia duty.* All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the militia: *Provided*, that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.

SEC. 2. *Organizing, etc.* The General Assembly shall provide for the organizing, arming, equipping, and discipline of the militia, and for paying the same, when called into active service.

SEC. 3. *Governor commander-in-chief.* The Governor shall be commander-in-chief, and shall have power to call out the militia to execute the law, suppress riots or insurrections, and to repel invasion.

SEC. 4. *Exemptions.* The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the militia.

## ARTICLE XIII

### AMENDMENTS

SECTION 1. *Convention, how called.* No convention of the people of this State shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly, and except the proposition, Convention or No Convention, be first submitted to the qualified voters of the whole State, at the next general election, in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said convention, it shall assemble on such day as may be prescribed by the General Assembly.

SEC. 2. *How the Constitution may be altered.* No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each House of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.

ARTICLE XIV

MISCELLANEOUS

Indictments.

SECTION 1. *Indictments.* All indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon in the proper courts, but no punishment shall be inflicted which is forbidden by this Constitution.

Penalty for fighting duel.

SEC. 2. *Penalty for fighting duel.* No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.

Drawing money.

SEC. 3. *Drawing money.* No money shall be drawn from the treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

Mechanic's lien.

SEC. 4. *Mechanic's lien.* The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject-matter of their labor.

Governor to make appointments.

SEC. 5. *Governor to make appointments.* In the absence of any contrary provision, all officers of this State, whether heretofore elected, or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified according to the provisions of this Constitution.

Seat of government.

SEC. 6. *Seat of government.* The seat of government in this State shall remain at the city of Raleigh.

Holding office.

SEC. 7. *Holding office.* No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other state or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: *Provided*, that nothing herein contained shall extend to officers in the militia, justices of the peace, commissioners of public charities, or commissioners for special purposes.

Proviso.

Intermarriage of whites and negroes prohibited.

SEC. 8. *Intermarriage of whites and negroes prohibited.* All marriages between a white person and a negro, or between a white person and a person of negro descent to the third generation, inclusive, are hereby forever prohibited.

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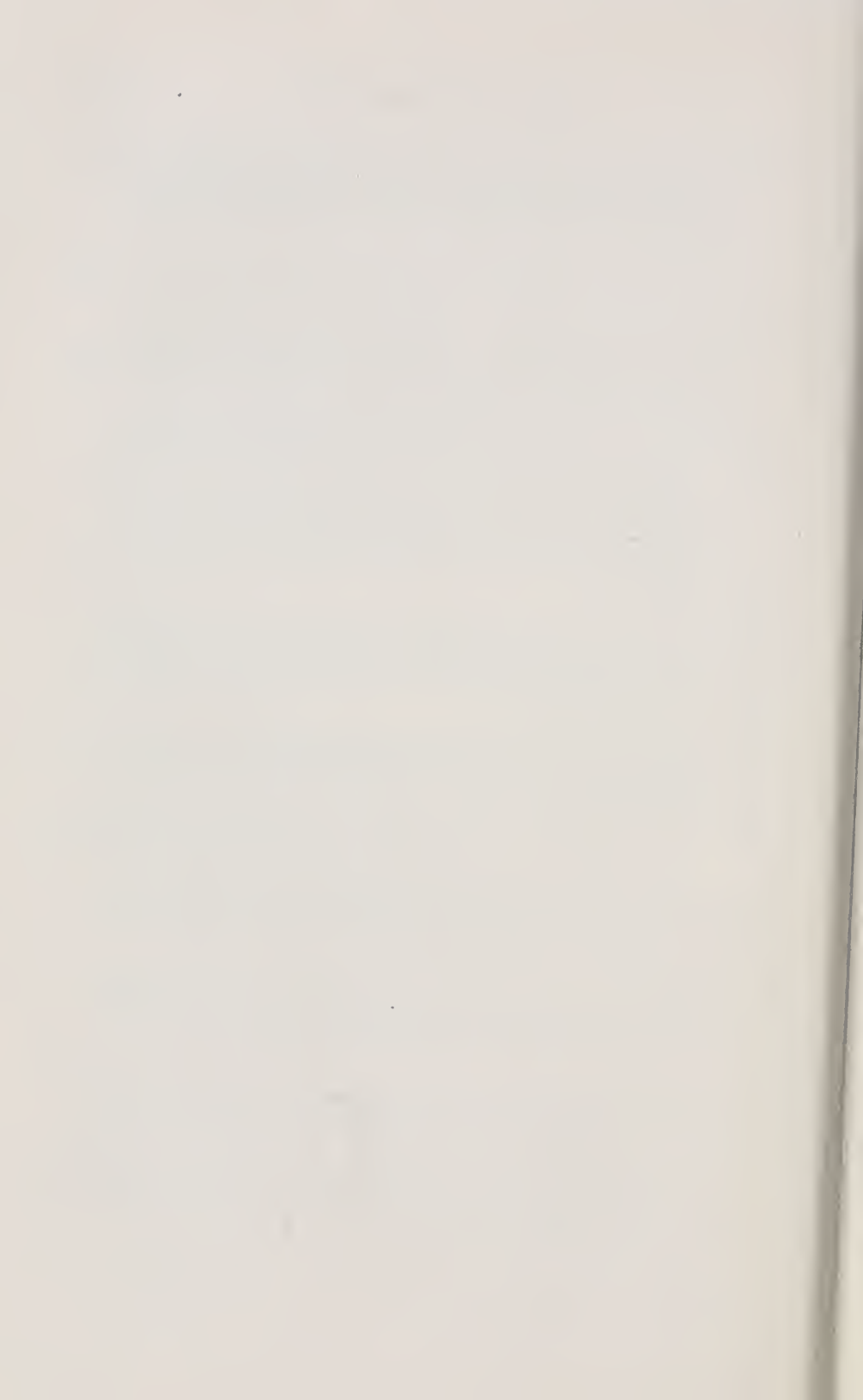


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PUBLIC LAWS

OF THE

STATE OF NORTH CAROLINA

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SESSION, 1941

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PUBLIC LAWS  
OF THE  
STATE OF NORTH CAROLINA

SESSION 1941

S. B. 1                      CHAPTER 1

AN ACT TO EQUALIZE THE SALARIES OF THE SECRETARY OF STATE, STATE AUDITOR, STATE TREASURER AND SUPERINTENDENT OF PUBLIC INSTRUCTION WITH THOSE OF OTHER STATE DEPARTMENT HEADS.

WHEREAS, The General Assembly of one thousand nine hundred and thirty-seven increased the salaries of all state employees ten per cent (10%) except the elective officers, and the salaries of the elective officers other than the constitutional officers have been increased since that time by the General Assembly; and

Preamble:  
Certain State employees' salaries increased, 1937 and after.

WHEREAS, under the Constitution of North Carolina the salaries of the constitutional officers could not be increased during their term of office, and therefore, the Secretary of State, State Auditor, State Treasurer and Superintendent of Public Instruction have been unable to receive any benefits from the general ten per cent (10%) increase granted by Chapter ninety-nine, Public Laws of one thousand nine hundred and thirty-seven;

No benefit from general increase, 1937, to constitutional officers.

Now, therefore, in order to place the above named constitutional officers on an equality with other state officers;  
*The General Assembly of North Carolina do enact:*

Equality sought.

SECTION 1. That the annual salaries of the Secretary of State, State Auditor, State Treasurer and Superintendent of Public Instruction shall be six thousand six hundred dollars (\$6,600.00) each per annum, payable monthly and effective the first day of January, one thousand nine hundred and forty-one.

Annual salaries of Constitutional officers fixed.

SEC. 2. That all laws and clauses of laws in conflict with the provision of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of January, 1941.

## H. B. 44

## CHAPTER 2

AN ACT TO AMEND CONSOLIDATED STATUTES ONE THOUSAND FOUR HUNDRED AND FORTY-THREE, VOLUME THREE, ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR, AS AMENDED BY CHAPTER TWO HUNDRED AND FORTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE, AS AMENDED BY CHAPTER ONE HUNDRED AND TWENTY-EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATING TO THE SUPERIOR COURTS OF EDGECOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

C.S. Sec. 1443,  
amended.

SECTION 1. That Consolidated Statutes one thousand four hundred and forty-three, Volume three, one thousand nine hundred and nineteen, as amended by Chapter twenty-four of the Public Laws of one thousand nine hundred and twenty-three, as amended by Chapter one hundred and twenty-eight of the Public Laws of one thousand nine hundred and twenty-seven, relating to the times of holding superior courts in Edgecombe County, in the Second Judicial District of North Carolina, be and the same is hereby amended to read as follows:

Superior Court  
terms for  
Edgecombe  
County.

“Edgecombe—sixth Monday before the first Monday in March; first Monday in March; fourth Monday after the first Monday in March, to continue for two weeks, for civil cases only; thirteenth Monday after the first Monday in March, to continue for two weeks; first Monday after the first Monday in September; sixth Monday after the first Monday in September; tenth Monday after the first Monday in September, to continue for two weeks, for civil cases only.

Grand Jury.

“The grand jury drawn by the commissioners of Edgecombe County for the term of court beginning on the sixth Monday before the first Monday in March of each year shall also serve as the grand jury for the term beginning on the first Monday in March and on the thirteenth Monday after the first Monday in March, and shall be charged with the same duties and clothed with the same power at each of said terms and shall receive for each term such mileage and compensation as is now provided by law.”

Duties and  
powers.

Pay and  
mileage

Ch. 128, Public  
Laws, 1927,  
repealed.

SEC. 2. That Chapter one hundred and twenty-eight of the Public Laws of one thousand nine hundred and twenty-seven be and the same is hereby repealed.

Conflicting laws  
repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.



SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of January, 1941.

S. B. 8

### CHAPTER 3

#### AN ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. For the purpose of selecting representatives to the Congress of the United States, the State of North Carolina shall be divided into twelve (12) districts as follows: Division of State into 12 Congressional Districts.

FIRST DISTRICT: Camden, Chowan, Currituck, Beaufort, Dare, Gates, Hertford, Perquimans, Pitt, Pasquotank, Hyde, Tyrrell, Martin, and Washington counties. First District.

SECOND DISTRICT: Bertie, Edgecombe, Greene, Halifax, Lenoir, Northampton, Warren, and Wilson counties. Second District.

THIRD DISTRICT: Craven, Duplin, Jones, Onslow, Pender, Pamlico, Sampson, Wayne, and Carteret counties. Third District.

FOURTH DISTRICT: Chatham, Franklin, Johnston, Nash, Randolph, Wake, and Vance counties. Fourth District.

FIFTH DISTRICT: Caswell, Forsyth, Granville, Person, Rockingham, Stokes, and Surry counties. Fifth District.

SIXTH DISTRICT: Alamance, Durham, Guilford, and Orange counties. Sixth District.

SEVENTH DISTRICT: Bladen, Brunswick, Columbus, Cumberland, Harnett, New Hanover, and Robeson counties. Seventh District.

EIGHTH DISTRICT: Anson, Davie, Davidson, Hoke, Lee, Montgomery, Moore, Richmond, Scotland, Union, Wilkes, and Yadkin counties. Eighth District.

NINTH DISTRICT: Ashe, Alleghany, Alexander, Cabarrus, Caldwell, Iredell, Rowan, Stanly, and Watauga counties. Ninth District.

TENTH DISTRICT: Avery, Burke, Catawba, Lincoln, Mecklenburg, and Mitchell counties. Tenth District.

ELEVENTH DISTRICT: Cleveland, Gaston, McDowell, Madison, Polk, Rutherford, and Yancey counties. Eleventh District.

TWELFTH DISTRICT: Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Swain, and Transylvania counties. Twelfth District.

C.S. Sec. 6004  
and Ch. 216,  
Public Laws,  
1931, repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act, and specifically Section six thousand and four of the Consolidated Statutes of one thousand nine hundred and nineteen, and the Public Laws of one thousand nine hundred and thirty-one, Chapter two hundred and sixteen, are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of January, 1941.

## S. B. 32

## CHAPTER 4

AN ACT TO AMEND CONSOLIDATED STATUTES THREE THOUSAND EIGHT HUNDRED AND FORTY-SIX (V) WITH REFERENCE TO EMERGENCY CONTRACTS BY THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION.

*The General Assembly of North Carolina do enact:*

C.S. Sec. 3846 (v),  
amended.

SECTION 1. That Section three thousand eight hundred and forty-six (v) of the Consolidated Statutes be and the same is hereby amended by adding after the word "Commission" at the end of the first paragraph in the said section the following:

Waiver of certain  
requirements for  
making contracts,  
emergency  
highway projects.

"That whenever any authorized agency of the United States Government requests the construction of highway projects as being urgently needed in the furtherance of National defense, that the State Highway and Public Works Commission may waive the requirement for advertising and competitive bidding and award such contracts on the basis of negotiation, when in the opinion of the Commission the work can be more quickly and economically expedited in that manner." Provided this shall apply only to highway projects located within thirty miles of some National defense project. Provided, further, that no award of contract on the basis of negotiation as herein provided shall be made without the approval of the Governor and until at least three days advance notice of the intention of the commission to award such contract by negotiation shall be given by publication of the notice thereof in some paper of general circulation published in the City of Raleigh, and, in addition thereto, in some paper of general circulation in the area in which such project is proposed to be constructed.

Projects affected.

Approval of  
Governor.

Publication of  
notice in  
newspaper.

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Expiration of  
Act.

SEC. 3. This Act shall expire by limitation at the end of two years from the date of its ratification.

SEC. 4. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of January, 1941.

H. B. 32

## CHAPTER 5

AN ACT TO AMEND SECTIONS SEVEN THOUSAND SIX HUNDRED AND SIXTY-ONE TO SEVEN THOUSAND SIX HUNDRED AND SIXTY-SEVEN, INCLUSIVE, OF THE CONSOLIDATED STATUTES, AS AMENDED, SO AS TO AUTHORIZE THE DISTRIBUTION OF STATE REPORTS, STATUTES, LAWS, JOURNALS AND OTHER DOCUMENTS AND PUBLICATIONS TO THE LIBRARY OF THE NORTH CAROLINA COLLEGE FOR NEGROES IN DURHAM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Sections seven thousand six hundred and sixty-one to seven thousand six hundred and sixty-seven, inclusive, of the Consolidated Statutes, as amended, be further amended by adding at the end of Section seven thousand six hundred and sixty-one a paragraph to read as follows:

C.S., 7661-7667,  
inclusive,  
amended.

“The Secretary of State shall furnish to the library of the North Carolina College for Negroes, in Durham, for instructional and exchange purposes, the same number of sets of Supreme Court Reports, Statutes, Public, Public-Local, and Private Laws, House and Senate Journals, and other documents and publications as are authorized by law (presently set forth in Michie’s N. C. Code, Ann., 1939, Sections 7661 to 7667 a, inclusive) to be furnished to the libraries of the University of North Carolina at Chapel Hill.”

Supreme Court  
Reports, etc., pro-  
vided for library,  
N. C. College for  
Negroes.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1941.

S. B. 88

## CHAPTER 6

AN ACT TO AMEND SECTIONS SEVEN THOUSAND AND SIXTY-FOUR AND SEVEN THOUSAND AND SIXTY-SEVEN OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, RELATIVE TO THE COUNTY BOARD OF HEALTH OF NASH COUNTY.

*The General Assembly of North Carolina do enact:*

C.S. 7064,  
amended.

SECTION 1. That Section seven thousand and sixty-four of the Consolidated Statutes of North Carolina be and the same is hereby amended by striking out, after the word "commissioners," in line two, and before the words "the clerk," in line three, the words "the mayor of the county, town, and in county towns where there is no mayor."

C.S. 7067,  
amended.

SEC. 2. That Section seven thousand and sixty-seven of the Consolidated Statutes of North Carolina be and the same is hereby amended by changing the period, after the word "calendar" and before the word "if," in line seven of said section, to a colon, and adding between the colon and the word "if" the words "Provided, that said appointment shall not become effective until approved by the Board of Commissioners of the County of Nash." And by adding after the word "officer" and before the word "in," in line eight, the words "who is approved by the Board of Commissioners of the County of Nash." And by changing the period at the end of said section to a colon and adding the words "Provided, that said appointment shall not become effective until approved by the Board of Commissioners of the County of Nash."

Application  
of Act.

SEC. 3. That this Act shall apply to Nash County only.

Conflicting laws  
repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 5. That Section one of this Act shall come into effect on the first Monday in January, one thousand nine hundred and forty-three, and the remainder of this Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1941.

S. B. 19

## CHAPTER 7

AN ACT TO AMEND SECTION FOUR THOUSAND SIX HUNDRED AND FORTY-ONE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA RELATING TO VERDICTS IN BURGLARY CASES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four thousand six hundred and forty-one of the Consolidated Statutes of North Carolina be and the same is hereby amended to read as follows:

C.S. 4641,  
amended.

“C. S. 4641. Burglary in the first degree charged, verdict for second degree. When the crime charged in the bill of indictment is burglary in the first degree the jury, upon the finding of facts sufficient to constitute burglary in the first degree as defined by statute, may elect to render a verdict of guilty of burglary in the second degree if they deem it proper so to do. The Judge in his charge shall so instruct the jury.”

Second degree  
verdict under  
first degree  
burglary indict-  
ment.

Judge's charge.

SEC. 2. The Secretary of State shall mail to each of the judges of the Superior Court of North Carolina a copy of this Act immediately after its ratification.

Copies of Act to  
Superior Court  
Judges.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1941.

H. B. 31

## CHAPTER 8

AN ACT TO AMEND SECTION ONE THOUSAND SIX HUNDRED AND EIGHTY-ONE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, AND TO EXEMPT UNION COUNTY FROM CERTAIN OF THE PROVISIONS THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one thousand six hundred and eighty-one of the Consolidated Statutes of North Carolina be and the same is hereby amended by adding at the end of said section the following: “Provided, the provisions of that portion of this section which follows the word ‘collected’ in line three shall not apply to Union County.”

C.S. 1681,  
amended.

Exemption of  
Union County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1941.



## H. B. 54

## CHAPTER 9

AN ACT TO AMEND CHAPTER FIFTY-THREE, PUBLIC LAWS, REGULAR SESSION ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, ENTITLED "AN ACT TO PERMIT WOMEN AFTER DIVORCE TO RESUME THE USE OF THEIR MAIDEN NAME."

*The General Assembly of North Carolina do enact:*

Ch. 53, Public Laws, 1937, amended, as to adoption of name by divorcee.

SECTION 1. That Section one, Chapter fifty-three of the Public Laws of the Regular Session of one thousand nine hundred and thirty-seven, be and the same is hereby amended by adding after the word "name" and before the word "upon" in line four of said section the following: "or the name of a prior deceased husband, or a name composed of her given name and the surname of a prior deceased husband."

Adoption of prior deceased husband's name or surname by divorcee, validated.

SEC. 2. That in every case where a married woman has heretofore been granted a divorce and has, since the divorce, adopted the name of a prior deceased husband, or a name composed of her given name and the surname of a prior deceased husband, the adoption by her of such name is hereby validated.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1941.

## S. B. 34

## CHAPTER 10

AN ACT TO PROTECT HOMING PIGEONS BECAUSE OF THEIR VALUE TO THE NATIONAL DEFENSE.

*The General Assembly of North Carolina do enact:*

Wounding, capture, killing of homing pigeons prohibited.

SECTION 1. That it shall be unlawful for any person or persons at any time or in any manner to hurt, pursue, take, capture, wound, maim, disfigure or kill any homing pigeon then and there owned by another person, or to trap the same by use of any pit, pitfall, scaffold, cage, snare, trap, net, baited hook or similar trapping device, or make use of any drug, poison, explosive or chemical for the purpose of injuring, capturing or killing any such homing pigeon.

Other acts prohibited.

Violation made misdemeanor.

SEC. 2. Any person or persons violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished in the discretion of the court.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1941.

H. B. 43

## CHAPTER 11

AN ACT TO DISPENSE WITH THE REQUIREMENT OF CONSOLIDATED STATUTES THREE THOUSAND ONE HUNDRED AND EIGHTY-NINE, VOLUME ONE, ONE THOUSAND NINE HUNDRED AND NINETEEN, THAT THE HOLY GOSPEL BE KISSED AS A PART OF THE ADMINISTRATION OF AN OATH.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Consolidated Statutes three thousand one hundred and eighty-nine, Volume one, one thousand nine hundred and nineteen, be amended by striking out the semicolon following the word "head" in line eight, and substituting a period therefor, and by striking out the following words:

C.S. 3189,  
amended.

"and he shall kiss the Holy Bible as a seal of confirmation to the said engagements."

Kissing Bible as  
part of oath  
dispensed with.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1941.

H. B. 50

## CHAPTER 12

AN ACT TO PERMIT COOPERATIVE ELECTRIC ASSOCIATIONS OR CORPORATIONS OPERATING IN THIS STATE TO BE EXTENDED THE SAME PRIVILEGES AS ARE NOW ENJOYED BY ELECTRIC MEMBERSHIP CORPORATIONS OPERATING UNDER THE NORTH CAROLINA RURAL ELECTRIFICATION AUTHORITY, IN CERTAIN INSTANCES AND UNDER CERTAIN CONDITIONS.

THAT WHEREAS, there are a number of coöperative electric membership associations or corporations organized under the laws of states adjoining North Carolina, and which for all practical purposes are rendering the same service to citizens of North Carolina as are rendered by them to citizens of the states in which they are organized; and

Preamble:  
Service rendered  
N. C. citizens by  
foreign electric  
membership  
corporations.

Operation by N. C. corporations not found feasible, certain localities.

WHEREAS, it has not been found practical or feasible for electric membership corporations, organized under Chapter two hundred and ninety-one of the Public Laws of one thousand nine hundred and thirty-five, and which operate under the supervision of the North Carolina Rural Electrification Authority created by Chapter two hundred and eighty-eight of the Public Laws of one thousand nine hundred and thirty-five, to carry on the business for which they were organized, due to conditions existing in such localities; and

Rights, immunities of domestic electric membership corporations.

WHEREAS, electric membership corporations organized and operating under the laws of this State are specifically declared to be public agencies of the State and have within the limits of this State the same rights as any other political subdivision of the State, and all property owned by said corporations and used exclusively for the purposes thereof are held in the same manner and subject to the same taxes and assessments as property owned by any county or municipality of the State, so long as it is owned and used by such corporations for the purposes for which they were formed; and

Same privileges and immunities not enjoyed by foreign co-operatives.

WHEREAS, such coöperative electric associations or corporations organized under the laws of adjoining states, referred to above, do not enjoy the same privileges and immunities with regard to tax exemptions as are enjoyed by electric membership corporations organized under the laws of this State; and

Purpose of foreign co-operatives operating in State.

WHEREAS, all the coöperative electric membership associations or corporations organized under the laws of other states and operating within this State, as well as electric membership corporations of this State, are organized for and render the same service to the people of this State in the manner and for the purpose for which the electric membership corporations of this State are organized: Now, therefore,

*The General Assembly of North Carolina do enact:*

Domestication of certain foreign electric membership corporations.

SECTION 1. Any electric membership corporation created and existing under and by virtue of the laws of any adjoining state, which corporation desires to extend its lines into this State for the purpose of obtaining its power and energy needs or for the purpose of supplying electric service to citizens and residents of this State, shall be and is hereby granted the right to domesticate in this State as such electric membership corporation, and, after such domestication, any such corporation shall have and enjoy all the rights, privileges, benefits and immunities granted to electric membership corporations under the laws of this State and shall be subject to the terms, provisions and conditions of Chapters two hundred and eighty-eight and two hundred and ninety-one of the Public Laws of North Carolina of one thousand nine hundred and thirty-five, and other applicable

Rights, privileges and immunities.

Subject to N. C. Laws.

laws, to the same extent as such laws are now applicable to membership corporations organized under the laws of this State.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1941.

H. B. 83

### CHAPTER 13

AN ACT TO AMEND CHAPTER SIXTY-FOUR, PUBLIC LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR, EXTRA SESSION, SAME BEING SECTION THREE THOUSAND THREE HUNDRED AND THIRTY-THREE OF THE CONSOLIDATED STATUTES, VALIDATING CERTAIN OFFICIAL DEEDS OMITTING SEALS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter sixty-four, Public Laws, one thousand nine hundred and twenty-four, Extra Session, be amended by striking out the words and figures "August 22, 1924" wherever appearing, and by inserting in lieu thereof the words and figures "July 1, 1939," so that said Act in its entirety will read as follows:

Ch. 64, Public Laws, Extra Session, 1924, amended.

"All deeds executed prior to July first, one thousand nine hundred and thirty-nine, by any sheriff, commissioner, receiver, or other officer authorized to execute a deed by virtue of his office or appointment, in which the officer has omitted to affix his seal after his signature, shall not be invalid on account of the omission of such seal: Provided, this Act shall not apply to actions pending July first, one thousand nine hundred and thirty-nine, nor shall it affect pending litigation."

Validation of certain official deeds omitting seal.

Pending litigation not affected.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1941.

## H. B. 91

## CHAPTER 14

AN ACT TO EXEMPT CERTAIN TRUCKS ENGAGED IN  
NATIONAL DEFENSE PROJECTS FROM THE FOR  
HIRE LICENSE.

Preamble:  
Need for trucks  
in National  
Defense projects.

THAT WHEREAS, the United States authorities find it necessary to secure the services of a large number of trucks in temporary work in connection with construction projects for national defense being carried on in the State of North Carolina; and

State anxious to  
co-operate.

WHEREAS, the State of North Carolina is anxious to coöperate in every reasonable way with the Federal authorities in this work; and

Use of private  
trucks necessary.

WHEREAS, in order to expedite this work it appears necessary to use many private trucks not ordinarily engaged in for hire work; Now, therefore,

*The General Assembly of North Carolina do enact:*

Private haulers  
on defense proj-  
ects exempted  
from contract  
hauler license fees.

SECTION 1. That where a truck is regularly licensed as a private hauler under the provisions of Section fifty-two of Chapter four hundred and seven of the Public Laws of one thousand nine hundred and thirty-seven as amended and is not engaged generally in hauling for hire, the owner of such truck so licensed shall not be required to obtain license and pay the fees of a contract hauler while engaged in hauling operations in connection with the construction work of national defense projects in North Carolina; provided such activities are confined within a radius of thirty miles of such project; and provided, further, that such trucks are operated in accordance with all of the rules and regulations of the State with reference to load limits and at all times display in the form of a windshield sticker or other appropriate device some distinguishing mark indicating the service in which they are engaged.

Limitation of  
operations.

Regulations.

Effective period  
of Act.

SEC. 2. The provisions of this Act shall apply only to the license periods of one thousand nine hundred and forty-one and one thousand nine hundred and forty-two and shall automatically expire December thirty-one, one thousand nine hundred and forty-two.

SEC. 3. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1941.



## H. B. 107

## CHAPTER 15

AN ACT TO AMEND SUBSECTION FIFTEEN, PARAGRAPH C OF SECTION TWENTY-FOUR OF CHAPTER ONE HUNDRED AND FORTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, RELATING TO APPLICATIONS FOR REFUND OF THE ROAD TAX ON GASOLINE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Subsection fifteen, Paragraph C, of Section twenty-four of Chapter one hundred and forty-five, Public Laws of North Carolina, Session of one thousand nine hundred and thirty-one, be and the same hereby is amended by adding the following at the end thereof:

Ch. 145, Public  
Laws, 1931,  
amended.

“Provided that claims for refund of the tax on motor fuel that are not filed with the Commissioner of Revenue within the time specified in this section but that are filed within thirty days thereafter may be paid by the Commissioner of Revenue after first deducting 10% from said claims as a penalty for not filing them within the time specified.”

Payment of motor  
fuel tax claims  
filed late.

Penalty.

SEC. 2. This Act shall not apply to any claims filed with the Commissioner of Revenue prior to January first, one thousand nine hundred and forty.

Application  
of Act.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1941.

## H. B. 108

## CHAPTER 16

AN ACT TO AMEND SUBSECTION FIVE OF SECTION TWENTY-FOUR OF CHAPTER ONE HUNDRED AND FORTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, RELATING TO THE GASOLINE ROAD TAX.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Subsection five of Section twenty-four of Chapter one hundred and forty-five, Public Laws of North Carolina, Session of one thousand nine hundred and thirty-one, be and the same hereby is amended by adding the following at the end thereof:

Ch. 145, Public  
Laws, 1931,  
amended.

“Provided, that if any licensed distributor who has elected to pay the tax levied herein on the amount of motor fuel purchased, produced, refined, manufactured, or compounded, in

Motor fuel lost  
through certain  
causes excluded  
from tax measure.

lieu of the amount sold, distributed, or used, shall lose any such fuel by reason of lightning, flood, or windstorm, and it is clearly proved to the satisfaction of the Commissioner of Revenue, that the loss is in excess of the 1% allowed during the calendar year in which it occurs, the amount of motor fuel lost in excess of the 1% shall be excluded from the measure of his tax.

Refund of tax paid by non-licensed distributor on motor fuel lost.

“Provided, further, that the Commissioner of Revenue shall have power under such rules and regulations as he may adopt for the purpose to refund to any non-licensed distributor the tax on any motor fuel purchased by and delivered to him tax-paid that is lost by lightning, flood, or windstorm, after it is delivered to him and before it is sold, but such loss must be clearly proved to the satisfaction of the Commissioner.”

Application of Act.

SEC. 2. This Act shall not apply to any loss suffered prior to July one, one thousand nine hundred and forty.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1941.

## H. B. 132

## CHAPTER 17

AN ACT TO AUTHORIZE THE SINKING FUND COMMISSION TO INVEST STATE SINKING FUNDS IN BONDS OR SECURITIES FULLY GUARANTEED BOTH AS TO PRINCIPAL AND INTEREST BY THE UNITED STATES AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

Ch. 62, Public Laws, 1925, amended.

SECTION 1. That Section five of Chapter sixty-two of the Public Laws of one thousand nine hundred and twenty-five, as amended, be, and the same hereby is, amended by adding after the semicolon in Subsection (a) thereof the following: “Or bonds or securities fully guaranteed both as to principal and interest by the United States.

Investment of sinking funds in securities guaranteed by U. S.

SEC. 2. That Section six of said Act be amended so as to read as follows:

Purchase and sale price of securities.

“That no such securities shall be purchased at more than the market price thereof, nor sold at less than the market price thereof. No securities shall be purchased except bonds of the United States, or bonds or securities fully guaranteed both as to principal and interest by the United States, or bonds or notes of the State of North Carolina, unless the vendor shall deliver with the securities an opinion of an attorney at law, believed by the Commission to be competent and to be recognized by

Attorney's opinion required in certain cases.

investment dealers as an authority upon the law of public securities, to the effect that the securities purchased are valid and binding obligations of the issuing governmental agency or unit, unless the Commission shall be satisfied that such opinion can be readily obtained when required, it being the intention of this requirement to assure the Commission that such securities are valid and that they will not be unsalable by the Commission because of doubts as to the validity thereof. The Commission is empowered to appoint one or more of its members for the purpose of making purchases and sales of securities."

Assurance of  
validity of  
securities.

Appointment of  
Commission  
member to buy  
and sell.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1941.

H. B. 134

## CHAPTER 18

AN ACT TO AMEND SECTION ONE THOUSAND TWO HUNDRED AND FORTY-FOUR OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND NINETEEN, VOLUME ONE, SO AS TO ALLOW THE CLERK OF THE SUPERIOR COURT OF NASH COUNTY TO APPORTION THE COST IN TAX FORECLOSURE SUITS IN NASH COUNTY.

WHEREAS, the General Assembly of North Carolina, by Chapter forty-six of the Public Laws of one thousand nine hundred and thirty-nine, amended Section one thousand two hundred and forty-four of the Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen, Volume one, so as to authorize the Clerk of the Superior Court of Nash County to apportion cost in tax foreclosure suits; and

Preamble:  
C.S. 1244,  
amended by 1939  
General Assembly.

WHEREAS, Chapter three hundred and ten of said Public Laws of one thousand nine hundred and thirty-nine may be construed as repealing said Act: Now, therefore,

Construction of  
1939 Act.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one thousand two hundred and forty-four of the Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen, Volume one, be, and it is hereby, amended by adding after Subsection nine the figures and words as follows:

C.S. 1244  
amended.

"10. Tax foreclosure suits."

Apportionment  
of costs in tax  
foreclosure suits.

Application of amendment.

SEC. 2. That this amendment shall apply only to Nash county and that part of the City of Rocky Mount in Nash County.

Apportionment of fees and costs by Nash County C.S.C., validated.

SEC. 3. That all Acts of the Clerk of the Superior Court of Nash County in fixing fees and apportioning cost in tax foreclosure suits be, and the same are hereby in all respects ratified and confirmed.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with any of the provisions of this Act are hereby repealed.

SEC. 5. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1941.

## H. B. 138

## CHAPTER 19

AN ACT TO AMEND SECTION ONE THOUSAND SIX HUNDRED AND EIGHTY-ONE OF VOLUME ONE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, RELATING TO DAMAGE DONE BY RABID DOGS.

*The General Assembly of North Carolina do enact:*

C.S. 1681, amended.

SECTION 1. That Section one thousand six hundred and eighty-one of Volume one of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be further amended by striking out all of said section after the colon in line two and inserting in lieu thereof the following:

Payment of damages done by rabid dogs.

“Provided, upon satisfactory proof of damage or injury done to any person or property by any dog with rabies, the board of county commissioners with the approval of the board of education may, in its discretion, ascertain the amount of and pay such damages out of said fund, including necessary treatment, if any, and all reasonable expenses incurred; however, no damages shall be allowed to any person for injury done to a dog by a dog with rabies.”

Damages restricted.

Application of Act.

SEC. 2. That this Act shall apply only to Caswell County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1941.

H. B. 164

## CHAPTER 20

AN ACT TO VALIDATE CERTAIN DEEDS AND THE PROBATE AND REGISTRATION THEREOF FROM WHICH THE SEALS OF NOTARIES PUBLIC HAVE BEEN OMITTED.

*The General Assembly of North Carolina do enact:*

SECTION 1. Any deed conveying or effecting real estate executed prior to January first, one thousand nine hundred and thirty-two, and ordered registered and recorded in the county in which the land lies prior to said date, from which deed and the acknowledgment and privy examination thereof the seal of the notary public taking the acknowledgment or privy examination of the grantor or grantors thereof was omitted, is hereby declared to be sufficient and valid, and the probate and registration thereof are hereby in all respects validated and confirmed to the same effect as if the seal of said notary was affixed to the acknowledgment or privy examination thereof.

Deeds probated and registered with Notary's Seal not affixed, validated.

SEC. 2. This Act shall not affect pending litigation.

Pending litigation not affected.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1941.

S. B. 31

## CHAPTER 21

AN ACT TO AMEND CHAPTER THREE HUNDRED AND NINETY-SEVEN OF THE PUBLIC LAWS OF NORTH CAROLINA, REGULAR SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO SAFETY IN THE TRANSPORTATION OF SCHOOL CHILDREN OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That "Section one" of Chapter three hundred and ninety-seven of the Public Laws of North Carolina, Regular Session one thousand nine hundred and thirty-seven, be and the same is hereby amended by inserting between the word "Carolina" and the word "showing" in line "seven" thereof the following words: "and the Chief Mechanic in charge of school busses in said County"; and by inserting between the word "patrol" and the word "and" in line "eight" of said section, the words: "said Chief Mechanic in charge of school busses in said County."

Ch. 397, Public Laws, 1937, amended, as to standard qualifications for school bus drivers.



Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

S. B. 70

## CHAPTER 22

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AS AMENDED, BY EXEMPTING FROM FOR HIRE LICENSE TAXES PERSONS HAULING ONLY AGRICULTURAL LIME FURNISHED UNDER THE AGRICULTURAL ADJUSTMENT ADMINISTRATION.

*The General Assembly of North Carolina do enact:*

Sec. 2(r-1), Ch.  
407, Public Laws,  
1937, amended.

SECTION 1. That Subsection (r-1) of Section two of Chapter four hundred and seven of the Public Laws of one thousand nine hundred and thirty-seven, as amended by Section one (c) of Chapter two hundred and seventy-five of the Public Laws of one thousand nine hundred and thirty-nine, be and the same hereby is amended and supplemented by adding the following at the end thereof:

Definition of "for  
hire" in said  
section restricted.

"Provided, however, that the term 'for hire' shall not include motor vehicles whose sole operation in carrying the property of others is limited to the transportation of T.V.A. or A.A.A. phosphate, and/or agricultural limestone in bulk which is furnished as a grant of aid under the United States Agricultural Adjustment Administration."

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

S. B. 79

## CHAPTER 23

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWENTY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, AS AMENDED BY CHAPTER THREE HUNDRED AND THIRTEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, SO AS TO PROVIDE FOR THE ASSIGNMENT OF A MEMBER OF THE STATE HIGHWAY PATROL TO THE OFFICE OF THE GOVERNOR OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter three hundred and twenty-four of the Public Laws of one thousand nine hundred and thirty-five, as amended by Chapter three hundred and thirteen of the Public Laws of one thousand nine hundred and thirty-seven, be, and the same is hereby, amended by adding a new paragraph at the end of said section to read as follows:

Ch. 324, Public Laws, 1935, amended.

"The Commissioner of Revenue, at the request of the Governor, shall assign and attach one member of the State Highway Patrol to the Office of the Governor, and there to be assigned such duties and perform such services as the Governor may direct. The salary of the State Highway Patrolman so assigned to the Office of the Governor shall be paid from appropriations made to the Office of the Governor and shall be fixed in an amount to be determined by the Governor and the Advisory Budget Commission."

Assignment of State Highway Patrolman to Governor's Office.

Duties.

Salary.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

H. B. 49

## CHAPTER 24

AN ACT TO AMEND SECTION ONE THOUSAND THREE HUNDRED AND THIRTY-NINE, CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, RELATING TO PROPERTY OF INDIGENT TO BE SOLD OR RENTED.

*The General Assembly of North Carolina do enact:*

SECTION 1. Amend Section one thousand three hundred and thirty-nine, Consolidated Statutes of one thousand nine hundred and nineteen, by adding at the end of said section the following:

C.S. 1339, amended.

Action for sale,  
mortgage, rental  
of property of  
indigents.

"When such indigent person has no guardian, or said guardian refuses or neglects to act, then the county maintaining and supporting said indigent person in its county home, or otherwise, may bring an action in its own name against the owner and the parties having an interest in the property sought to be sold, to sell, mortgage or rent the personal property or real estate of such indigent person, which action shall be a special proceeding and conducted as other special proceedings before the Clerk of the Superior Court and said Clerk of Court shall have power to make all necessary and proper orders therein."

Special  
Proceeding.

SEC. 2. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

## H. B. 52

## CHAPTER 25

AN ACT TO PROVIDE OLD AGE SECURITY FOR OLD AND INCAPACITATED TEACHERS, AND STATE EMPLOYEES, TO PROVIDE FOR THE CREATION OF A RETIREMENT FUND THROUGH THE JOINT CONTRIBUTIONS OF EMPLOYERS AND EMPLOYEES, AND TO PROVIDE MACHINERY FOR THE PROPER ADMINISTRATION OF THIS LAW.

*The General Assembly of North Carolina do enact:*

Definitions.

SECTION 1. Definitions. The following words and phrases as used in this Act, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement  
System."

(1) "Retirement System" shall mean the Teachers' and State Employees' Retirement System of North Carolina as defined in Section two of this Act.

"Public School."

(2) "Public School" shall mean any day school conducted within the State under the authority and supervision of a duly elected or appointed city or county school board, and any educational institution supported by and under the control of the State.

"Teacher."

(3) "Teacher" shall mean any teacher, helping teacher, librarian, principal, supervisor, superintendent of public schools or any full-time employee, city or county, superintendent of public instruction, or any full-time employee of Department of Public Instruction, president, dean or teacher, or any full-time employee in any educational institution supported by and under the control of the State. In all cases of doubt, the Board of Trustees, hereinafter defined, shall determine whether any person is a teacher as defined in this Act.

(4) "Employee" shall mean all full-time employees, agents or officers of the State of North Carolina or any of its departments, bureaus and institutions other than educational, whether such employees are elected, appointed or employed: Provided, that the term "employee" shall not include any Justice of the Supreme Court or any Judge of the Superior Court. "Employee."

(5) "Employer" shall mean the State of North Carolina, the County Board of Education, the City Board of Education, the State Board of Education, the Board of Trustees of the University of North Carolina, the Board of Trustees of other institutions and agencies supported and under the control of the State, or any other agency of and within the State by which a teacher or other employee is paid. "Employer."

(6) "Member" shall mean any teacher or state employee included in the membership of the system as provided in Sections three and four of this Act: Provided, that no member shall be entitled to participate under the provisions of this Act as to that part of the compensation in excess of three thousand dollars (\$3,000.00) received by such member during any year. "Member."

(7) "Board of Trusees" shall mean the Board provided for in Section six of this Act to administer the retirement system. "Board of Trustees."

(8) "Medical Board" shall mean the Board of Physicians provided for in Section six of this Act. "Medical Board."

(9) "Service" shall mean service as a teacher or state employee as described in Subsection three or four of this Section. "Service."

(10) "Prior Service" shall mean service rendered prior to the date of establishment of the retirement system for which credit is allowable under Section four of this Act; provided, persons now employed by the State Highway and Public Works Commission shall be entitled to credit for employment in road maintenance by the various counties and road districts prior to one thousand nine hundred and thirty-one and subsequent to one thousand nine hundred and twenty-one, where such employment has been continuous. "Prior Service."

(11) "Membership Service" shall mean service as a teacher or state employee rendered while a member of the retirement system. "Membership Service."

(12) "Creditable Service" shall mean "Prior Service" plus "Membership Service" for which credit is allowable as provided in Section four of this Act. "Creditable Service."

(13) "Beneficiary" shall mean any person in receipt of a pension, an annuity, a retirement allowance or other benefit as provided by this Act. "Beneficiary."

"Regular Interest."

(14) "Regular Interest" shall mean interest compounded annually at such a rate as shall be determined by the Board of Trustees in accordance with Section seven, Subsection two.

"Accumulated Contributions."

(15) "Accumulated Contributions" shall mean the sum of all the amounts deducted from the compensation of a member and accredited to his individual account in the Annuity Savings Fund, together with regular interest thereon as provided in Section eight of this Act.

"Earnable Compensation."

(16) "Earnable Compensation" shall mean the full rate of the compensation that would be payable to a teacher or employee if he worked in full normal working time. In cases where compensation includes maintenance, the Board of Trustees shall fix the value of that part of the compensation not paid in money.

"Average Final Compensation."

(17) "Average Final Compensation" shall mean the average annual earnable compensation of a teacher or employee during his last five years of service, or if he had less than ten years of service, then his average earnable compensation for his total service.

"Annuity."

(18) "Annuity" shall mean payments for life derived from that "Accumulated Contribution" of a member. All annuities shall be payable in equal monthly installments.

"Pensions."

(19) "Pensions" shall mean payments for life derived from money provided by the State of North Carolina, and by county or city board of education. All pensions shall be payable in equal monthly installments.

"Retirement Allowance."

(20) "Retirement Allowance" shall mean the sum of the "annuity and the pensions," or any optional benefit payable in lieu thereof.

"Retirement."

(21) "Retirement" shall mean the withdrawal from active service with a retirement allowance granted under the provisions of this Act.

"Annuity Reserve."

(22) "Annuity Reserve" shall mean the present value of all payments to be made on account of any annuity or benefit in lieu of any annuity, computed upon the basis of such mortality tables as shall be adopted by the Board of Trustees, and regular interest.

"Pension Reserve."

(23) "Pension Reserve" shall mean the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed upon the basis of such mortality tables as shall be adopted by the Board of Trustees, and regular interest.



(24) "Actuarial Equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality tables as shall be adopted by the Board of Trustees, and regular interest.

"Actuarial  
Equivalent."

SEC. 2. Name and Date of Establishment. A retirement system is hereby established and placed under the management of the Board of Trustees for the purpose of providing retirement allowances and other benefits under the provisions of this Act for teachers and state employees of the State of North Carolina. The retirement system so created shall be established as of the first day of July, one thousand nine hundred and forty-one.

Establishment  
of retirement  
system.

Purpose.

Date.

It shall have the power and privileges of a corporation and shall be known as the "TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OF NORTH CAROLINA," and by such name all of its business shall be transacted, all of its funds invested, and all of its cash and securities and other property held.

Name.

SEC. 3. Membership. The membership of this retirement system shall be composed as follows:

Membership

(1) All persons who shall become teachers or state employees after the date as of which the retirement system is established.

Teachers and  
State employees  
after effective  
date.

(2) All persons who are teachers or state employees on the date of the ratification of this Act or who may become teachers or state employees on or before July first, one thousand nine hundred and forty-one, except those who shall notify the Board of Trustees, in writing, on or before January first, one thousand nine hundred and forty-two, that they do not choose to become members of this retirement system, shall become members of the retirement system.

Teachers and  
State employees  
on or before dates  
specified.

Exception.

(3) Should any member in any period of six consecutive years after becoming a member be absent from service more than five years, or should he withdraw his accumulated contributions, or should he become a beneficiary or die, he shall thereupon cease to be a member.

Cessation of  
membership.

4. Creditable Service. (1) Under such rules and regulations as the Board of Trustees shall adopt each member who was a teacher or state employee at any time during the year immediately preceding the establishment of the system and who becomes a member during the first year of operation of the retirement system, shall file a detailed statement of all North Carolina service as a teacher or state employee rendered by him prior to the date of establishment for which he claims credit.

Creditable Service: Filing of  
Statement.

(2) The Board of Trustees shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one year of service, but in no case shall more than

Determination of  
prior service.

one year of service be creditable for all services in one year. Service rendered for the regular school year in any district shall be equivalent to one year's service.

Verification of services claimed.

(3) Subject to the above restrictions and to such other rules and regulations as the Board of Trustees may adopt, the Board of Trustees shall verify, as soon as practicable after the filing of such statements of service, the service therein claimed.

Calculation of compensation for prior service.

In lieu of a determination of the actual compensation of the members that was received during such period of prior service the Board of Trustees may use for the purpose of this Act the compensation rates which will be determined by the average salary of the members for five years immediately preceding the date this system became operative as the records show the member actually received.

Issuance of prior service certificates.

(4) Upon verification of the statements of service, the Board of Trustees shall issue prior service certificates certifying to each member the period of service prior to the establishment of the retirement system, with which the member is credited on the basis of his statement of service. So long as membership continues a prior service certificate shall be final and conclusive for retirement purposes as to such service: Provided, however, that any member may, within one year from the date of issuance or modification of such certificate, request the Board of Trustees to modify or correct his prior service certificate.

Modification of certificates.

Expiration of certificate.

When membership ceases, such prior service certificate shall become void. Should the teacher or state employee again become a member, such teacher or state employee shall enter the system as a teacher or state employee not entitled to prior service credit except as provided in Section five, Subsection five, paragraph (b) of this Act.

Exception.

Definition of creditable service.

(5) Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the membership service rendered by him since he last became a member, and also if he has a prior service certificate which is in full force and effect, the amount of service certified on his prior service certificate.

## SEC. 5. Benefits.

### SERVICE RETIREMENT BENEFIT

Retirement from service at age 60.

(1) (a) Any member in service may retire upon written application to the Board of Trustees setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution of and filing thereof, he desires to be retired: Provided, that the said member at the time so specified for his

retirement shall have attained the age of sixty years, and notwithstanding that, during such period of notification, he may have separated from service.

(b) Any member in service who has attained the age of sixty-five years shall be retired at the end of the year unless the employer requests such person to remain in the service, and notice of this request is given in writing thirty days prior to the end of the year.

Retirement at age 65.

(c) Any member in the service who has attained the age of seventy years shall be retired forthwith: Provided, that with the approval of his employer he may remain in service until the end of the year following the date on which he attains the age of seventy years: Provided, that with the approval of his employer and the Board of Trustees, any member who has attained or shall attain the age of seventy years may be continued in service for a period of two years following each such request.

Mandatory retirement at age 70.  
Exceptions.

#### ALLOWANCE FOR SERVICE RETIREMENT

(2) Upon retirement from service a member shall receive a service retirement allowance which shall consist of:

Service retirement allowances.

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

Annuity.

(b) A pension equal to the annuity allowable at age of sixty years computed on the basis of contributions made prior to the attainment of age sixty; and

Pension.

(c) If he has a prior service certificate in full force and effect, an additional pension which shall be equal to the annuity which would have been provided at the age of sixty years by twice the contributions which he would have made during such prior service had the system been in operation and he contributed thereunder.

Additional pension.

#### DISABILITY RETIREMENT BENEFITS

(3) Upon the application of a member in service or of his employer, any member who has had ten or more years of creditable service may be retired by the Board of Trustees, not less than thirty and not more than ninety days next following the date of filing such application, on a disability retirement allowance: Provided, that the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired.

Disability retirement benefits.

Medical Board examination and certificate.

## ALLOWANCE ON DISABILITY RETIREMENT

Disability allow-  
ances: Persons  
aged 60.

Others.

(4) Upon retirement for disability a member shall receive a service retirement allowance if he has attained the age of sixty years, otherwise he shall receive a disability retirement allowance which shall consist of:

Annuity.

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement; and

Pension.

(b) A pension equal to seventy-five per centum of the pension that would have been payable upon service retirement at the age of sixty years had the member continued in service to the age of sixty years without further change in compensation.

RE-EXAMINATION OF BENEFICIARIES RETIRED ON ACCOUNT OF  
DISABILITY

Re-examination  
of beneficiaries  
retired for  
disability.

(5) Once each year during the first five years following retirement of a member on a disability retirement allowance, and once in every three-year period thereafter, the Board of Trustees may, and upon his application shall, require any disability beneficiary who has not yet attained the age of sixty years to undergo a medical examination, such examination to be made at the place of residence of said beneficiary or other place mutually agreed upon, by a physician or physicians designated by the Board of Trustees. Should any disability beneficiary who has not yet attained the age of sixty years refuse to submit to at least one medical examination in any such year by a physician or physicians designated by the Board of Trustees, his allowance may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year all his rights in and to his pension may be revoked by the Board of Trustees.

Effect of refusal  
to be re-examined.

Benefits reduced  
upon showing of  
earning capacity.

(a) Should the Medical Board report and certify to the Board of Trustees that such disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and the average final compensation, and should the Board of Trustees concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified: Provided, that the new pension shall not exceed the amount of the pension originally granted nor an amount which, when added to the amount earnable by the beneficiary together with his annuity, equals the amount of his average final compensation. A beneficiary restored to active service at a salary less than the average final compensation shall not become a member of the retirement system.

Further modifica-  
tion permissible.

Limit of amount.

Restoration at  
pay less than  
average final  
compensation.



(b) Should a disability beneficiary under the age of sixty years be restored to active service at a compensation not less than his average final compensation, his retirement allowance shall cease, he shall again become a member of the retirement system, and he shall contribute thereafter at the same rate he paid prior to disability. Any such prior service certificate on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect, and in addition, upon his subsequent retirement he shall be credited with all his service as a member, but should he be restored to active service on or after the attainment of the age of fifty years his pension upon subsequent retirement shall not exceed the sum of the pension which he was receiving immediately prior to his last restoration and the pension that he would have received on account of his service since his last restoration had he entered service at the time as a new entrant.

Restoration at pay more than average final compensation.

Subsequent retirement.

#### RETURN OF ACCUMULATED CONTRIBUTIONS

(6) Should a member cease to be a teacher or state employee except by death or retirement under the provisions of this Act, he shall be paid such part of the amount of the accumulated contributions standing to the credit of his individual account in the Annuity Savings Fund as he shall demand. Should a member die before retirement the amount of his accumulated contributions standing to the credit of his individual account shall be paid to his estate or to such persons as he shall have nominated by written designation, duly executed and filed with the Board of Trustees.

Return of contributions upon cessation of employment.

Return upon death.

#### OPTIONAL ALLOWANCE

(7) With the provision that no optional selection shall be effective in case the beneficiary dies within thirty days after retirement, and that such a beneficiary shall be considered as an active member at the time of death; until the first payment on account of any benefit becomes normally due, any member may elect to receive his benefit in a retirement allowance payable throughout life, or he may elect to receive the actuarial equivalent at that time, of his retirement allowance in a reduced retirement allowance payable throughout life with the provisions that:

Election of optional allowance.

OPTION 1. If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Trustees; or

Option one.

OPTION 2. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person

Option two.



as he shall nominate by written designation duly acknowledged and filed with the Board of Trustees at the time of his retirement; or

Option three.

OPTION 3. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of, and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Trustees at the time of his retirement.

## SEC. 6. Administration.

### BOARD OF TRUSTEES

Administration  
by Board of  
Trustees.

(1) The general administration and responsibility for the proper operation of the retirement system and for making effective the provisions of the Act are hereby vested in a Board of Trustees which shall be organized immediately after a majority of the trustees provided for in this Section shall have qualified and taken the oath of office.

Corporate name.

General rights  
and powers.

Tax exemption.

Membership of  
Board.

Ex officio  
members.

Members ap-  
pointed by  
Governor.

Terms.

Compensation of  
trustees.

"The Board of Trustees shall be a body politic and corporate under the name 'Board of Trustees Teachers' and State Employees' Retirement System'; and as a body politic and corporate shall have the right to sue and be sued, shall have perpetual succession and a common seal, and in said corporate name shall be able and capable in law to take, demand, receive and possess all kinds of real and personal property necessary and proper for its corporate purposes, and to bargain, sell, grant, alien, or dispose of all such real and personal property as it may lawfully acquire. All such property owned or acquired by said body politic and corporate shall be exempt from all taxes imposed by the State or any political subdivision thereof, and shall not be subject to income taxes."

(2) The Board shall consist of seven members, as follows:

(a) The State Treasurer, ex-officio;

(b) The Superintendent of Public Instruction, ex-officio;

(c) Five members to be appointed by the Governor and confirmed by the Senate of North Carolina. One of the appointive members shall be a member of the teaching profession of the State; one to be a general State employee, and three who are not members of the teaching profession or State employees; two to be appointed for a term of two years, two for a term of three years and one for a term of four years. At the expiration of these terms of office the appointment shall be for a term of four years.

(3) The trustees shall be paid seven dollars (\$7.00) per day during session of the Board and shall be reimbursed from the Expense Appropriation for all necessary expenses that they may incur through service on the Board.

(4) Each trustee other than the ex-officio members shall, within ten days after his appointment, take an oath of office, that, so far as it devolves upon him, he will diligently and honestly administer the affairs of the said Board, and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the retirement system. Such oath shall be subscribed to by the member making it, and certified by the officer before whom it is taken, and immediately filed in the office of the Secretary of State. Oath.

(5) Each trustee shall be entitled to one vote in the Board. Four affirmative votes shall be necessary for a decision by the trustees at any meeting of said Board. Voting rights.

(6) Subject to the limitations of this Act, the Board of Trustees shall, from time to time, establish rules and regulations for the administration of the funds created by this Act and for the transaction of its business. Rules and regulations.

(7) The State Treasurer shall be ex-officio chairman of the Board of Trustees. The Board of Trustees shall, by a majority vote of all the members, appoint a secretary, who may be, but need not be, one of its members. The Board of Trustees shall engage such actuarial and other service as shall be required to transact the business of the retirement system. The compensation of all persons engaged by the Board of Trustees, and all other expenses of the Board necessary for the operation of the retirement system, shall be paid at such rates and in such amounts as the Board of Trustees shall approve, subject to the approval of the Director of the Budget. Chairman.  
Secretary.  
Actuarial and other employees.  
Salaries and expenses.

(8) The Board of Trustees shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the retirement system, and for checking the experience of the system. Actuarial data.

(9) The Board of Trustees shall keep a record of all of its proceedings which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding year, the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system. Record of proceedings.  
Annual report.

#### LEGAL ADVISER

(10) The Attorney General shall be the legal adviser of the Board of Trustees. Legal adviser.

#### MEDICAL BOARD

(11) The Board of Trustees shall designate a Medical Board to be composed of three physicians not eligible to participate Medical Board.

## Duties.

in the retirement system. If required, other physicians may be employed to report on special cases. The Medical Board shall arrange for and pass upon all medical examinations required under the provisions of this Act, and shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement, and shall report in writing to the Board of Trustees its conclusion and recommendations upon all the matters referred to it.

## DUTIES OF ACTUARY

## Designation and duties of actuary.

(12) The Board of Trustees shall designate an actuary who shall be the technical adviser of the Board of Trustees on matters regarding the operation of the funds created by the provisions of this Act and shall perform such other duties as are required in connection therewith.

## Required tables and rates recommended by actuary.

(13) Immediately after the establishment of the retirement system the actuary shall make such investigation of the mortality, service and compensation experience of the members of the system as he shall recommend and the Board of Trustees shall authorize, and on the basis of such investigation he shall recommend for adoption by the Board of Trustees such tables and such rates as are required in Subsection fourteen, paragraphs (a) and (b) of this section. The Board of Trustees shall adopt tables and certify rates, and as soon as practicable thereafter the actuary shall make a valuation based on such tables and rates of the assets and liabilities of the funds created by this Act.

## Adoption of tables and rates.

## Investigation of mortality, service and compensation experience.

(14) In the year one thousand nine hundred and forty-three, and at least once in each five-year period thereafter, the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system, and shall make a valuation of the assets and liabilities of the funds of the system, and taking into account the result of such investigation and valuation, the Board of Trustees shall:

## Liabilities and assets valued.

## Adoption of tables.

(a) Adopt for the retirement system such mortality, service and other tables as shall be deemed necessary; and

## Certification of contribution rates.

(b) Certify the rates of contributions payable by the State of North Carolina on account of new entrants at various ages.

## Annual valuation of assets and liabilities.

(15) On the basis of such tables as the Board of Trustees shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the funds of the system created by this Act.

## MANAGEMENT OF FUNDS

SEC. 7. The Board of Trustees shall be the trustee of the several funds created by this Act as provided in Section eight, and shall have full power to invest and reinvest such funds, subject to all the terms, conditions, limitations and restrictions imposed by the laws of North Carolina upon the investment of State sinking funds, and subject to like terms, conditions, limitations and restrictions, said trustees shall have full power to hold, purchase, sell, assign, transfer and dispose of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any moneys belonging to said funds.

Management and investment of funds.

(2) The Board of Trustees annually shall allow regular interest on the mean amount for the preceding year in each of the funds with the exception of the Expense Fund. The amounts so allowed shall be due and payable to said funds, and shall be annually credited thereto by the Board of Trustees from interest and other earnings on the moneys of the retirement system. Any additional amount required to meet the interest on the funds of the retirement system shall be paid from the Pension Accumulation Fund, and any excess of earnings over such amount required shall be paid to the Pension Accumulation Fund. Regular interest shall mean such per centum rate to be compounded annually as shall be determined by the Board of Trustees on the basis of the interest earnings of the system for the preceding year and of the probable earnings to be made, in the judgment of the Board, during the immediate future, such rate to be limited to a minimum of three per centum and a maximum of four per centum, with the latter rate applicable during the first year of operation of the retirement system.

Regular interest allowance on mean amount.

Definition of regular interest.

(3) The State Treasurer shall be the custodian of the several funds. All payments from said funds shall be made by him only upon vouchers signed by two persons designated by the Board of Trustees. The Secretary of the Board of Trustees shall furnish said Board a surety bond in a company authorized to do business in North Carolina in such an amount as shall be required by the Board, the premium to be paid from the Expense Fund.

Custodian of funds.

Disbursements.

Bond of Secretary.

(4) For the purpose of meeting disbursements for pensions, annuities and other payments there may be kept available cash, not exceeding ten per centum of the total amount in the several funds of the retirement system, on deposit with the State Treasurer of North Carolina.

Cash deposits to meet disbursements.

(5) Except as otherwise herein provided, no trustee and no employee of the Board of Trustees shall have any direct interest in the gains or profits of any investment made by the Board of Trustees, nor as such receive any pay or emolument for his

Personal profit by trustee or employee prohibited.



Acting as surety,  
etc., prohibited.

service. No trustee or employee of the Board shall, directly or indirectly, for himself or as an agent in any manner use the same, except to make such current and necessary payments as are authorized by the Board of Trustees; nor shall any trustee or employee of the Board of Trustees become an endorser or surety or in any manner an obligor for moneys loaned or borrowed from the Board of Trustees.

#### METHOD OF FINANCING

Method of  
financing.

SEC. 8. All of the assets of the Retirement System shall be credited according to the purpose for which they are held to one of four funds, namely, the Annuity Savings Fund, the Annuity Reserve Fund, the Pension Accumulation Fund, and the Pension Reserve Fund.

##### (1) Annuity Savings Fund.

Annuity Sav-  
ings Fund.

The Annuity Savings Fund shall be a fund in which shall be accumulated contributions from the compensation of members to provide for their annuities. Contributions to and payments from the Annuity Savings Fund shall be made as follows:

Payroll deduc-  
tions.

(a) Each employer shall cause to be deducted from the salary of each member on each and every payroll of such employer for each and every payroll period four per centum of his earnable compensation. The employer also shall deduct four per centum of any compensation received by any member for teaching in public schools, or in any of the institutions, agencies or departments of the State from salaries other than the appropriations from the State of North Carolina. In determining the amount earnable by a member in a payroll period, the Board of Trustees may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deduction from compensation for any period less than a full payroll period if a teacher or state employee was not a member on the first day of the payroll period.

Determination  
of "amount  
earnable."

When deduction  
may be omitted.

Deduction from  
minimum com-  
pensation fixed  
by law.

Consent deemed.

Discharge of  
claims.

Amount of de-  
ductions certified.

(b) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this Act. The employer shall certify to the Board of Trustees on each and every payroll or in such other manner as the Board of Trustees may



prescribe, the amounts to be deducted; and each of said amounts shall be deducted, and when deducted shall be paid into said Annuity Savings Fund, and shall be credited, together with regular interest thereon to the individual account of the member from whose compensation said deduction was made.

Payment into Fund.

(c) Each Board of Education of each county and each Board of Education of each city, and the employer in any department, agency or institution of the State, in which any teacher receives compensation from sources other than appropriations of the State of North Carolina shall deduct from the salaries of these teachers paid from sources other than State appropriations an amount equal to that deducted from the salaries of the teachers whose salaries are paid from State funds, and remit this amount to the State Retirement System. City Boards of Education and County Boards of Education in each and every county and city which has employees compensated from other than the State appropriation shall pay to the State Retirement System the same per centum of the salaries that the State of North Carolina pays: Provided, that for the purpose of enabling the County Boards of Education and the Board of Trustees of city administrative units to make such payment, the tax levying authorities in each such city or county administrative unit are hereby authorized, empowered and directed to provide the necessary funds therefor.

Deductions from salaries not paid from State Funds.

Payments to System by local Education Boards.

Tax levy authorized.

(d) In addition to the contributions deducted from compensation as hereinbefore provided, subject to the approval of the Board of Trustees, any member may redeposit in the annuity savings fund by a single payment an amount equal to the total amount which he previously withdrew therefrom as provided in this Act. Such amounts so deposited shall become a part of his accumulated contributions in the same manner as if said contributions had not been withdrawn.

Redeposit of sums equal to withdrawals.

## (2) Annuity Reserve Fund.

The Annuity Reserve Fund shall be the fund in which shall be held the reserves on all annuities in force and from which shall be paid all annuities and all benefits in lieu of annuities, payable as provided in this Act. Should a beneficiary retired on account of disability be restored to active service with a compensation not less than his average final compensation at the time of his last retirement his annuity reserve shall be transferred from the Annuity Reserve Fund to the Annuity Savings Fund and credited to his individual account therein.

Annuity Reserve Fund.

Transfer of annuity reserve to Annuity Savings Fund.

## (3) Pension Accumulation Fund.

The Pension Accumulation Fund shall be the fund in which shall be accumulated all reserves for the payment of all pensions and other benefits payable from contribution made by employers

Pension Accumulation Fund.

and from which shall be paid all pensions and other benefits on account of members with prior service credit. Contributions to and payments from the Pension Accumulation Fund shall be made as follows:

Payments by employers.

(a) On account of each member there shall be paid annually in the Pension Accumulation Fund by employers for the preceding fiscal year an amount equal to a certain percentage of the earnable compensation of each member to be known as the "normal contribution," and an additional amount equal to a percentage of his earnable compensation to be known as the "accrued liability contribution." The rate per centum of such contributions shall be fixed on the basis of the liabilities of the retirement system as shown by actuarial valuation. Until the first valuation the normal contribution shall be two and fifty-seven one-hundredths per centum (2.57%) for teachers, and one and fifty-seven one-hundredths per centum (1.57%) for state employees, and the accrued liability contribution shall be two and ninety-four one-hundredths per centum (2.94%) for teachers and one and fifty-nine one-hundredths per centum (1.59%) of the salary of other state employees.

Initial normal contribution rate.

Initial accrued liability contribution rate.

Uniform, constant normal contribution rate.

(b) On the basis of regular interest and of such mortality and other tables as shall be adopted by the Board of Trustees, the actuary engaged by the Board to make each valuation required by this Act during the period over which the accrued liability contribution is payable, immediately after making such valuation, shall determine the uniform and constant percentage of the earnable compensation of the average new entrant throughout his entire period of active service which would be sufficient to provide for the payment of any pension payable on his account. The rate per centum so determined shall be known as the "normal contribution" rate. After the accrued liability contribution has ceased to be payable, the normal contribution rate shall be the rate per centum of the earnable salary of all members obtained by deducting from the total liabilities of the Pension Accumulation Fund the amount of the funds in hand to the credit of that fund and dividing the remainder by one per centum of the present value of the prospective future salaries of all members as computed on the basis of the mortality and service tables adopted by the Board of Trustees and regular interest. The normal rate of contribution shall be determined by the actuary after each valuation.

Normal rate after accrued liability contribution ceases.

Time of determination.

Computation of "accrued liability contribution" rate.

(c) Immediately succeeding the first valuation the actuary engaged by the Board of Trustees shall compute the rate per centum of the total annual compensation of all members which is equivalent to four per centum of the amount of the total pension liability on account of all members and beneficiaries which is not dischargeable by the aforesaid normal contribution made on account of such members during the remainder of their active

service. The rate per centum originally so determined shall be known as the "accrued liability contribution" rate.

(d) The total amount payable in each year to the Pension Accumulation Fund shall be not less than the sum of the rate per centum known as the normal contribution rate and the accrued liability contribution rate of the total compensation earnable by all members during the preceding year: Provided, however, that the amount of each annual accrued liability contribution shall be at least three per centum greater than the preceding annual accrued liability payment, and that the aggregate payment by employers shall be sufficient, when combined with the amount in the fund to provide the pensions and other benefits payable out of the fund during the year then current.

Minimum annual payments to Pension Accumulation Fund.

Minimum accrued liability contribution.

Employer payments.

(e) The accrued liability contribution shall be discontinued as soon as the accumulated reserve in the Pension Accumulation Fund shall equal the present value, as actuarially computed and approved by the Board of Trustees, of the total liability of such fund less the present value, computed on the basis of the normal contribution rate then in force, of the prospective normal contributions to be received on account of all persons who are at the time members.

Discontinuance of accrued liability contribution.

(f) All pensions, and benefits in lieu thereof, with the exception of those payable on account of members who received no prior service allowance, payable from contributions of employer shall be paid from the Pension Accumulation Fund.

Pensions payable from Pension Accumulation Fund.

(g) Upon the retirement of a member not entitled to credit for prior service, an amount equal to his pension reserve shall be transferred from the Pension Accumulation Fund to the Pension Reserve Fund.

Transfer of sums to Pension Reserve Fund.

#### (4) Pension Reserve Fund.

The Pension Reserve Fund shall be the fund in which shall be held the reserves on all pensions granted to members not entitled to credit for prior service and from which such pensions and benefits in lieu thereof shall be paid. Should such a beneficiary retired on account of disability be restored to active service with a compensation not less than his average final compensation at the time of his last retirement, the pension thereon shall be transferred from the Pension Reserve Fund to the Pension Accumulation Fund. Should the pension of such disability beneficiary be reduced as a result of an increase in his earning capacity, the amount of the annual reduction in his pension shall be paid annually into the Pension Accumulation Fund during the period of such reduction.

Pension Reserve Fund.

Transfer of funds.

#### (5) Collection of Contributions.

Collections :

Members' contributions.

(1) The collection of members' contributions shall be as follows:

Payroll deduction.

(a) Each employer shall cause to be deducted on each and every payroll of a member for each and every payroll subsequent to the date of establishment of the retirement system the contributions payable by such member as provided in this Act, and the employer shall draw his warrant for the amount so deducted, payable to the Teachers' and State Employees' Retirement System of North Carolina, and shall transmit the same, together with schedule of the contributions, on such forms as prescribed.

Payment to Retirement System.

Employers' contributions.

(2) The collections of employers' contributions shall be made as follows:

Statement of sums necessary for year.

(a) Upon the basis of each actuarial valuation provided herein the Board of Trustees shall annually prepare and certify to the Budget Bureau a statement of the total amount necessary for the ensuing fiscal year to the Pension Accumulation and Expense Funds, as provided under Subsections (three) and (five) of this section, and these funds shall be handled and disbursed in accordance with Chapter one hundred, Public Laws of one thousand nine hundred and twenty-nine, and amendments thereto, known as The Executive Budget Act.

Application of Executive Budget Act.

Amounts payable prior to first valuation.

(b) Until the first valuation has been made and the rates computed as provided in Subsection (three) of this section, the amount payable by employers on account of the normal and accrued liability contributions shall be five and fifty-one one-hundredths per centum (5.51%) of the payroll of all teachers and three and sixteen one-hundredths per centum (3.16%) for other state employees.

Payments by State Treasurer from appropriations.

(c) The Auditor shall issue his warrant to the State Treasurer directing the State Treasurer to pay this sum to the Board of Trustees, from the appropriations for the Teachers' and State Employees' Retirement System.

Payments by county and city Education Boards.

(d) Each Board of Education in each county and each Board of Education in each city in which teachers or other employees of the schools receive compensation for services in the public schools from sources other than the appropriation of the State of North Carolina shall pay the Board of Trustees of the State Retirement System such rate of their respective salaries as are paid those of other employees.

Exemption from taxes, garnishment, attachment, etc.

SEC. 9. Exemptions from Execution. The right of a person to a pension, or annuity, or a retirement allowance, to the return of contributions, the pension, annuity or retirement allowance itself, any optional benefit or any other right accrued or accruing to any person under the provisions of this Act, and the moneys



in the various funds created by this Act, are hereby exempt from any State or municipal tax, and exempt from levy and sale, garnishment, attachment, or any other process whatsoever, and shall be unassignable except as in this Act specifically otherwise provided.

SEC. 10. Protection Against Fraud. Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of this retirement system in any attempt to defraud such system as a result of such act shall be guilty of a misdemeanor, and on conviction thereof by any court of competent jurisdiction, shall be punished by a fine not exceeding five hundred dollars (\$500.00), or imprisonment in the county jail not exceeding twelve months, or both such fine and imprisonment at the discretion of the court. Should any change or error in the records result in any member or beneficiary receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the Board of Trustees shall correct such error, and as far as practicable, shall adjust the payment in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.

Fraudulent acts made misdemeanor.

Punishment.

Correction of errors.

Payments adjusted.

SEC. 11. Limitation on Membership. No other provision of law in any other statute which provides wholly or partly at the expense of the State of North Carolina for pensions or retirement benefits for teachers or State employees of the said State, their widows, or other dependents shall apply to members or beneficiaries of the retirement system established by this Act, their widows or other dependents.

Application of other pension laws.

SEC. 12. Guaranty. The maintenance of annuity reserves and pension reserves as provided for, and regular interest creditable to the various funds as provided in Section eight of this Act, and the payment of all pensions, annuities, retirement allowances, refunds and other benefits granted under the provisions of this Act, are hereby made obligations of the Pension Accumulation Fund. All income, interest and dividends derived from deposits and investments authorized by this Act shall be used for the payment of the said obligations of the said fund.

Obligation of maintaining reserves and paying benefits.

SEC. 13. If any section or part of any section of this Act is declared to be unconstitutional, the remainder of this Act shall not thereby be invalidated. All provisions of the law inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency: Provided, nothing in this Act shall be construed to repeal or invalidate any of the provisions of Chapter four hundred and eighty-three of the Public-Local Laws of one thousand nine hundred and nineteen, or Chapter three hundred and eighty-five of the Public-Local Laws of one thousand nine hundred and twenty-one, as amended, relating to

Partial invalidity clause.

Conflicting laws repealed.

Certain laws not repealed.



Suspension of  
payments under  
Section 5 (1)-(4),  
inclusive.

Compulsory  
retirement  
postponed.

pensions for school teachers in New Hanover County. No payment on account of any benefit granted under the provisions of Section five, Subsections (one) and (four) inclusive, shall become effective or begin to accrue until the end of one year following the date the system is established nor shall any compulsory retirement be made during such period.

SEC. 14. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

## H. B. 104

## CHAPTER 26

### AN ACT TO AMEND SECTION TWO THOUSAND ONE HUNDRED AND FIFTY-ONE OF THE CONSOLIDATED STATUTES, RELATIVE TO GUARDIANSHIP.

*The General Assembly of North Carolina do enact:*

C.S. 2151,  
amended.

SECTION 1. That Section two thousand one hundred and fifty-one of the Consolidated Statutes be and the same is hereby amended by substituting a semicolon for the period after the word "guardians" in the last line of said section and adding the following:

Qualification of  
guardian with-  
out bond when  
directed by  
deed or will.

"Provided, however, that in the event it is so specifically directed in said deed or will such guardian so appointed shall be permitted to qualify and serve without giving bond, unless the Clerk of the Superior Court having jurisdiction of said guardianship shall find as a fact and adjudge that the interest of such minor or incompetent would be best served by requiring such guardian to give bond."

Exception.

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

H. B. 120

## CHAPTER 27

AN ACT TO AMEND SECTION FOUR, CHAPTER THREE HUNDRED AND FIFTY-EIGHT, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, WHICH PROVIDES FOR THE ADMINISTRATION AND OPERATION OF A UNIFORM SYSTEM OF PUBLIC SCHOOLS OF THE STATE FOR THE TERM OF EIGHT MONTHS, INsofar AS IT AFFECTS WATAUGA COUNTY.

WHEREAS, patrons, teachers and principals have requested the County Board of Education of Watauga County to permit school to be in session on Saturdays; and

Preamble:  
Saturday school sessions, Watauga County, requested.

WHEREAS, the State law prohibits school on Saturdays, except in emergencies: Now, therefore,

Present provisions of State law.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four, Chapter three hundred and fifty-eight, Public Laws of one thousand nine hundred and thirty-nine, be and the same is hereby amended by striking out the words "no day of which shall be a Saturday" in line two of the second paragraph of said Section four.

Ch. 358, Public Laws, 1939, amended.

SEC. 2. That it shall be discretionary with and left to the judgment of the County Board of Education of Watauga County, to determine whether or not school shall be in session on Saturdays in Watauga County.

Saturday school sessions, Watauga County, permitted.

SEC. 3. That this Act shall apply only to Watauga County.

Application of Act.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

H. B. 133

## CHAPTER 28

AN ACT TO AMEND CONSOLIDATED STATUTES SEVEN THOUSAND FOUR HUNDRED AND FIFTEEN OF VOLUME TWO, ONE THOUSAND NINE HUNDRED AND NINETEEN, RELATING TO THE DESTRUCTION OF SURRENDERED STATE BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Consolidated Statutes seven thousand four hundred and fifteen of Volume two, one thousand nine hundred and nineteen, be amended to read as follows:

C.S. 7415, amended.

Record of  
State bonds  
surrendered.

Destruction  
of bonds.

Record and  
destruction of  
coupons.

Conflicting laws  
repealed.

"7415. List of surrendered bonds kept; bonds destroyed. The treasurer shall provide a substantially bound book for the purpose, in which he shall make a correct descriptive list of all bonds of the State surrendered, which list shall embrace the number, date and amount of each, and the purpose for which the same was issued, when this can be ascertained; and after such list shall be made, such surrendered bonds, being ascertained to be present, shall be consumed by fire in the presence of the Governor, the Treasurer, the Auditor, the Attorney General, the Secretary of State and Superintendent of Public Instruction, who shall each certify under his hand respectively in such book that he saw such described bonds so consumed and destroyed. The Treasurer shall also provide a certificate setting forth the amount and kind of coupons which have been paid in the past year or biennium, which said coupons shall be consumed by fire in the same way and manner as is provided for the cremation of bonds referred to herein."

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

## H. B. 153

## CHAPTER 29

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND THIRTY-EIGHT OF THE PUBLIC LAWS, EXTRA SESSION, ONE THOUSAND NINE HUNDRED AND EIGHT, ENTITLED "AN ACT IN REGARD TO WILLS MADE BY MARRIED WOMEN."

*The General Assembly of North Carolina do enact:*

Ch. 138, Public  
Laws, Extra  
Session, 1908,  
(C.S. 4130),  
amended, as to  
wills of married  
women.

SECTION 1. That Chapter one hundred and thirty-eight of the Public Laws, Extra Session, one thousand nine hundred and eight, being Section four thousand one hundred and thirty, Consolidated Statutes one thousand nine hundred and nineteen, be and the same is hereby repealed.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

H. B. 156

## CHAPTER 30

## AN ACT TO VALIDATE THE DEFECTIVE REGISTRATION OF CERTAIN DEEDS AND DEEDS OF TRUST.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all deeds, deeds of trust, conveyances or other instruments permitted by law to be registered in this State, which have been registered prior to January first, one thousand nine hundred and twenty-four, and in which a clerk of the superior court has adjudged the certificate of the officer before whom the acknowledgment was taken to be in due form and correct and has ordered the instrument to be recorded, but in which the name of a grantor which appears in the body of the instrument and as a signer of the instrument has been omitted from the record of the certificate of the officer before whom the acknowledgment was taken, are hereby declared to have been duly proved, probated and recorded and to be valid.

Probate and registration of certain instruments validated.

SEC. 2. That this Act does not affect any pending actions.

Pending actions not affected.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

H. B. 173

## CHAPTER 31

## AN ACT TO AMEND SECTION FOUR THOUSAND TWO HUNDRED AND SIXTY-EIGHT OF THE CONSOLIDATED STATUTES, SO AS TO PUNISH BAILEES EMBEZZLING FUNDS AND PROPERTY OF THEIR BAILOR.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four thousand two hundred and sixty-eight of the Consolidated Statutes be and the same is hereby amended by placing a comma after the word "clerk" in line four, and adding between the words "clerk" and "or" in said line four the word "bailee."

C.S. 4268, amended, to provide punishment of bailees for embezzlement.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

## H. B. 177

## CHAPTER 32

AN ACT TO AMEND HOUSE BILL NUMBER FORTY-FOUR, RATIFIED TWENTY-SEVENTH OF JANUARY, ONE THOUSAND NINE HUNDRED AND FORTY-ONE, SO AS TO CORRECT A TYPOGRAPHICAL ERROR APPEARING THEREIN.

*The General Assembly of North Carolina do enact:*

H.B. No. 44 (Ch. 2, Public Laws, 1941) amended, correcting error.

SECTION 1. That Section one of House Bill Number forty-four, ratified twenty-seventh of January, one thousand nine hundred and forty-one, be amended by striking out the word "nineteen" in line three of said section and inserting in lieu thereof the words "twenty-four."

Same bill further amended.

SEC. 2. That Section one of House Bill Number forty-four, ratified twenty-seventh of January, one thousand nine hundred and forty-one, be further amended by striking out the word "twenty-four" in line three of said section and inserting in lieu thereof the words "two hundred and forty-six."

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

## H. B. 180

## CHAPTER 33

AN ACT TO AMEND SECTION FOUR THOUSAND FIVE HUNDRED AND SIXTEEN OF VOLUME ONE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, TO FIX THE MAXIMUM FEE TO BE ALLOWED COUNSEL ASSIGNED TO DEFENDANTS IN CAPITAL CASES IN WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

C.S. 4516, amended.

SECTION 1. That Section four thousand five hundred and sixteen of Volume one of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended by Chapter two hundred and twenty-six of the Public Laws of one thousand nine hundred and thirty-seven, be further amended so as to read as follows:

Maximum fee for attorney assigned to defend capital cases.

"4516. Whenever an attorney is appointed by the judge to defend a person charged with a capital crime, he shall receive such fee for performing this service as the judge may allow,



not to exceed one hundred dollars (\$100.00); but the judge shall not allow any fee until he is satisfied that the defendant charged with the capital crime is not able to employ counsel. The fees so allowed by the judge shall be paid by the county in which the indictment was found."

SEC. 2. That this Act shall apply only to Wayne County.

Application of  
Act.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

## S. B. 72

## CHAPTER 34

### AN ACT DIVIDING PERSON COUNTY INTO DISTRICTS FROM WHICH THE BOARD OF COUNTY COMMISSIONERS OF PERSON COUNTY SHALL HEREAFTER BE ELECTED.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there shall be added to Section one thousand two hundred and ninety-three of the Consolidated Statutes of North Carolina the following section, to-wit:

C.S. 1293,  
amended.

"In Person County one member of the Board of Commissioners of that county shall every two years be elected or chosen from among the residents of Roxboro Township, one member from among the residents of a district composed of Bushy Fork Township, Olive Hill Township, Cunningham Township and Woodsdale Township, and one member from among the residents of a district composed of Holloway Township, Allensville Township, Mt. Tirzah Township and Flat River Township, it being the intention of this Act to provide that the membership of the Board of Commissioners shall be composed of three members, one from each district, as defined and fixed hereinbefore. Such members shall be elected by a county wide and not a district vote in accord with the laws regulating primary and general elections."

Election of Board  
of Commissioners,  
Person County.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

County wide  
vote.

Conflicting laws  
repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1941.

## S. B. 95

## CHAPTER 35

AN ACT TO AMEND SECTION FIVE OF CHAPTER  
THREE HUNDRED AND FIFTEEN OF THE PUBLIC  
LAWS OF ONE THOUSAND NINE HUNDRED AND  
THIRTY-NINE, RELATING TO THE CODIFICATION OF  
THE STATUTE LAW OF NORTH CAROLINA.

Preamble:  
Drafting and  
Codification Di-  
vision, Dept. of  
Justice, author-  
ized.

WHEREAS, the General Assembly of one thousand nine hundred and thirty-nine, by Section five of Chapter three hundred and fifteen of the Public Laws, directed the Attorney General to set up in the Department of Justice a Division of Legislative Drafting and Codification of Statutes and assigned to it the duty of supervising the recodification of the general public statutes of North Carolina; and

Division  
established.

WHEREAS, such division was duly established and is engaged in compiling, codifying, and annotating said general public statutes and preparing for the publication of the recodification in code form, and will complete the work prior to the next regular session of the General Assembly; and

Progress of  
work.

Report to Gen-  
eral Assembly.

WHEREAS, this division is required to submit a report to the General Assembly after the completion of the work; and

Publication of  
legislative edi-  
tion not pro-  
vided for.

WHEREAS, no provision has been made for the publication of a legislative edition of the completed work for submission to the General Assembly, and unless the publication of a legislative edition is provided for, the work must be submitted in the form of a single manuscript; and

Necessity for  
printed edition.

WHEREAS, the magnitude and bulk of the work would prevent its adequate examination and consideration unless it is submitted in printed form, with a sufficient number of copies; and

Prior practice.

WHEREAS, it has been the practice in this State for prior codes to be submitted to the General Assembly in a printed legislative edition for consideration and action; and

Printed edition  
recommended by  
Advisory Com-  
mittee.

WHEREAS, at a meeting of the Advisory Committee on Recodification on Thursday, December twelfth, one thousand nine hundred and forty, the members were unanimous in recommending that the work be submitted to the General Assembly in printed form; and

Finding of ne-  
cessity for  
printed form.

WHEREAS, this General Assembly finds it necessary that the recodification work be submitted to the General Assembly of one thousand nine hundred and forty-three in the form of a printed legislative edition so that it may be thoroughly and conveniently studied: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section five of Chapter three hundred and fifteen of the Public Laws of one thousand nine hundred and thirty-nine be amended by rewriting the last paragraph thereof as follows:

Ch. 315, Public  
Laws, 1939,  
amended.

"Immediately after the completion and indexing of the recodification of the general public statutes of North Carolina, said division shall cause to be printed and published, in accordance with specifications prepared by the division, and under contract to be let by the Division of Purchase and Contract, five hundred copies of said recodification as a legislative edition, to be used for examination, consideration and action by the members of the General Assembly of one thousand nine hundred and forty-three, and for the examination and consideration of the Judges, commission, committees, and heads of State Departments, as hereinafter specified. Such legislative edition shall set forth all the general public laws of North Carolina found by the division to be intended to be in effect, together with any supplemental or implementing legislation recommended by the division as essential to make a complete and clear statement of said laws, in such form and with such arrangement, numbering system, tables of contents, and editorial aids as said division shall determine, and with a complete and effective index. The legislative edition need not contain annotations or supplementary material.

Authority for  
printing recodi-  
fication work.

Purpose.

Contents.

"As soon as the legislative edition of the proposed code has been published, one copy thereof shall be placed in the hands of each of the Justices of the Supreme Court, the regular, emergency and special judges of the Superior Court, the administrative heads of State Departments, the legislative commission on recodification, and the Advisory Committee and, immediately upon their election, or as soon thereafter as possible, the members of the General Assembly of the regular session of one thousand nine hundred and forty-three."

Distribution of  
copies.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1941.

## S. B. 102

## CHAPTER 36

AN ACT TO CREATE A DEPARTMENT OF MOTOR VEHICLES AND TRANSFER TO SUCH DEPARTMENT DUTIES NOW PERFORMED BY OTHER STATE AGENCIES.

*The General Assembly of North Carolina do enact:*

Department of Motor Vehicles created.

Purpose of Act.

Power and duties of new department.

Certain powers and duties of Revenue Commissioner, not affected.

Effect of Act on Powers and duties of Utilities Commissioner.

Appointment of Commissioner of Motor Vehicles.

SECTION 1. A department of the government of this State, to be known as the Department of Motor Vehicles, is hereby created. It is the intent and purpose of this Act, and it shall be liberally construed to accomplish that purpose, to transfer and consolidate under one administrative head in the Department of Motor Vehicles agencies now operated under the Department of Revenue and dealing with the subject of the regulation of motor vehicular traffic, whether such activities are at present handled directly by the Commissioner of Revenue or by the Motor Vehicle Bureau, the Auto Theft Bureau, the Division of Highway Safety, the Major of the State Highway Patrol, the officials handling the Uniform Drivers License Act; and the Department of Motor Vehicles shall succeed to and is hereby vested with all the powers, duties and jurisdiction now vested by law in any of said agencies; provided, however, all powers, duties and functions relating to the collection of motor fuel taxes, the inspection of gasoline and oil, and the collection of the gasoline and oil inspection taxes, and the duties, powers and functions arising by virtue of Sections twenty-four and twenty-five of Chapter four hundred and twenty-five of the Public Laws of one thousand nine hundred and thirty-seven, relating to the issuance of permits to vehicles engaged in the transportation of petroleum products, shall not be affected by such transfer, but shall continue to be vested in and exercised by the Commissioner of Revenue, and wherever it is now provided by law that reports shall be filed with the Commissioner or Department of Revenue as a basis for collecting the motor fuel or gasoline and oil inspection taxes, or enforcing any of the laws regarding the motor fuel or gasoline and oil inspection taxes, such reports shall continue to be made to the Department of Revenue and the Commissioner of Motor Vehicles shall make available to the Commissioner of Revenue all information from the files of the Department of Motor Vehicles which the Commissioner of Revenue may request to enable him to better enforce the law with respect to the collection of such taxes: Provided, further, nothing in this Act shall deprive the Utilities Commissioner of any of the duties or powers now vested in him with regard to the regulation of motor vehicle carriers.

SEC. 2. The Department of Motor Vehicles shall be under control of an executive officer to be designated as the Commis-

sioner of Motor Vehicles, who shall be appointed by the Governor and be responsible directly to the Governor and subject to removal by the Governor at his discretion and without requirement of the assignment of any cause. The Commissioner shall be paid an annual salary to be fixed by the Governor, with the approval of the Advisory Budget Commission, payable in monthly installments, and shall likewise be allowed his traveling expenses when away from Raleigh on official business.

Salary.

Expenses.

SEC. 3. The Commissioner shall organize the department in such manner as he may deem necessary properly to segregate and conduct the work of the department; but the work of the department is hereby divided into at least two divisions, to be known respectively as the Division of Registration and the Division of Highway Safety and Patrol. The Commissioner shall, as soon as practicable after appointment, prepare a general plan for the organization of the department, which plan shall not be put into effect until approved by the Governor and the Advisory Budget Commission, subject to such changes as may be recommended by the Governor and approved by the Advisory Budget Commission. It is the intent and purpose of this Act that the Department of Motor Vehicles shall be operated within the limits of the funds provided in the Biennial Appropriation Act under Title XII, Subsection two, entitled "Motor Vehicle Bureau," and Subsection three, entitled "Highway Patrol, Drivers' Licenses, and Safety Promotion"; and the Director of the Budget is expressly authorized to make such transfers to and from either of said items to the other as may be necessary to provide for the maintenance of the activities of the department in accordance with the approved plan of reorganization; and the Appropriation Act shall be construed to carry out this provision. The plan of organization herein provided for may increase or decrease the number of persons now assigned to any of the activities transferred to this department, and the titles may be changed; but the total cost of the department shall not exceed the combined sums in the Appropriation Bill covering the said activities.

Organization.

Two Divisions.

Approval of plan of organization.

Operating funds.

Application of Appropriation Act.

SEC. 4. That Chapters one hundred and twenty-two, one hundred and forty-eight, and one hundred and ninety-eight of the Public Laws of one thousand nine hundred and twenty-seven, Chapters seventy-five, two hundred and eighteen, two hundred and twenty-one, and two hundred and seventy-five of the Public Laws of one thousand nine hundred and twenty-nine, Chapters eighty-eight, one hundred and sixteen, and three hundred and eighty-one of the Public Laws of one thousand nine hundred and thirty-one, Chapters two hundred and fourteen and five hundred and forty-four of the Public Laws of one thousand nine hundred and thirty-three, Chapters fifty-two and three hundred and twenty-four of the Public Laws of one thousand nine hundred and thirty-five, Chapters sixty-two, three hundred and

Certain Public Laws amended to conform to Act.



Prior superseded laws not revived.

Substitution of terms used in other laws.

thirteen, and four hundred and seven of the Public Laws of one thousand nine hundred and thirty-seven, Section one thousand of Chapter three hundred and ten, and Chapter three hundred and eighty-seven of the Public Laws of one thousand nine hundred and thirty-nine, and all Acts amendatory thereof, and all other Acts relating to the duties, powers and functions affected by this Act, are hereby amended so as to conform to this Act, but this provision shall not be construed to revive any of said laws or parts thereof which have been repealed or are superseded; and wherever in such Acts the terms "Commissioner of Revenue," "Revenue Commissioner," "State Revenue Commissioner," "State Commissioner of Revenue," "North Carolina Commissioner of Revenue," "Revenue Commissioner of North Carolina," or other equivalent terms are used in connection with a duty, power or function transferred by this Act to the Commissioner of Motor Vehicles, the same shall be stricken out and the term "Commissioner of Motor Vehicles" shall be inserted in lieu thereof; and whenever the terms "Department of Revenue," "Revenue Department," "State Department of Revenue," "State Revenue Department," "North Carolina Department of Revenue," "North Carolina Revenue Department," or other equivalent terms, are used in connection with a duty, power or function transferred by this Act to the Department of Motor Vehicles, the same shall be stricken out and the term "Department of Motor Vehicles" shall be inserted in lieu thereof.

Conflicting laws amended.

Clarification of conflicts as to transfer of functions.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby modified and amended so as to conform with the provisions of this Act; and in the event that there shall arise any conflict as to the transfer of any functions from the Department of Revenue to the Department of Motor Vehicles, the Governor of the State is hereby authorized to issue an Executive Order clarifying and making certain the issue thus arising.

Effective date.

SEC. 6. This Act shall be in force and effect from and after the first day of July, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 21st day of February, 1941.

## H. B. 5

## CHAPTER 37

### AN ACT TO CURTAIL AND PUNISH SUBVERSIVE ACTIVITIES.

*The General Assembly of North Carolina do enact:*

Activities aimed at overthrow of government prohibited.

SECTION 1. It shall be unlawful for any person, by word of mouth or writing, willfully and deliberately to advocate, advise or teach a doctrine that the Government of the United States,

the State of North Carolina or any political subdivision thereof shall be overthrown or overturned by force or violence or by any other unlawful means. It shall be unlawful for any public building in the State, owned by the State of North Carolina, any political subdivision thereof, or by any department or agency of the State or any institution supported in whole or in part by State funds, to be used by any person for the purpose of advocating, advising or teaching a doctrine that the Government of the United States, the State of North Carolina or any political subdivision thereof should be overthrown by force, violence or any other unlawful means.

Use of public buildings for subversive activities prohibited.

SEC. 2. Any person or persons violating any of the provisions of this Act shall, for the first offense, be guilty of a misdemeanor and be punished accordingly, and for the second offense shall be guilty of a felony and punished accordingly.

Punishment for violations.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1941.

H. B. 99

## CHAPTER 38

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, AS AMENDED, RELATING TO ADMINISTRATION OF THE FISCAL AFFAIRS OF COUNTIES; APPLICABLE TO MECKLENBURG COUNTY ONLY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section five of Chapter one hundred and forty-six of the Public Laws of one thousand nine hundred and twenty-seven, as amended by Chapter thirty-seven, Public Laws of one thousand nine hundred and twenty-nine; Chapter sixty, Public Laws of one thousand nine hundred and thirty-one; Chapter one hundred and ninety-one, Public Laws of one thousand nine hundred and thirty-three, and Chapter one hundred and thirty-four, Public Laws of one thousand nine hundred and thirty-nine, be and the same is hereby amended by striking out the words "first day of June" in line four of said section and inserting in lieu thereof the words "second Monday in April."

Sec. 5, Ch. 146, Public Laws, 1927, County Fiscal Control Act, amended.

Time for filing statements by department heads and officers.

SEC. 2. That Section six of said Chapter one hundred and forty-six of the Public Laws of one thousand nine hundred and twenty-seven, be and the same is hereby amended by striking

Sec. 6 amended as to time for filing Budget Estimate.

out the words "first Monday of July" in the last line of said section inserting in lieu thereof the words "third Monday in April."

Sec. 7 amended  
as to time for  
public inspection,  
etc., of  
Budget Estimate.

SEC. 3. That Section seven of said Chapter one hundred and forty-six of the Public Laws of one thousand nine hundred and twenty-seven, be and the same is hereby amended by striking out the word "twenty" in lines two and thirteen thereof and inserting in lieu thereof the word "ten."

Sec. 8 amended  
as to time for  
adoption of ap-  
propriation  
resolution.

SEC. 4. That Section eight of said Chapter one hundred and forty-six of the Public Laws of one thousand nine hundred and twenty-seven, be and the same is hereby amended by striking out the words "fourth Monday in July" in line two of said section and inserting in lieu thereof the words "second Monday in May."

Sec. 10 amended  
as to time to  
submit supple-  
mental budget.

SEC. 5. That Section ten of said Chapter one hundred and forty-six of the Public Laws of one thousand nine hundred and twenty-seven, as amended, be and the same is hereby further amended by striking out the words "first Monday in July" in lines one and two of said section and inserting in lieu thereof the words "third Monday in April."

Sec. 12 amended  
as to time for  
levy of taxes.

SEC. 6. That Section twelve of said Chapter one hundred and forty-six of the Public Laws of one thousand nine hundred and twenty-seven, as amended, be and the same is hereby further amended by striking out the words "third Monday in August" in line five of said section and inserting in lieu thereof the words "second Monday in May."

Application  
of Act.

SEC. 7. This amendment shall not apply to the City of Charlotte.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1941.

## H. B. 144

## CHAPTER 39

AN ACT TO ESTABLISH A STATE MARKETING AUTHORITY TO PROMOTE THE MORE EFFECTIVE MARKETING OF FARM, HOME, SEA AND FOREST PRODUCTS, AND TO SET UP LOCAL MARKETING UNITS IN COOPERATION WITH COUNTIES, CITIES AND TOWNS.

*The General Assembly of North Carolina do enact:*

State policy and  
purpose of Act.

SECTION 1. It is declared to be the policy of the State of North Carolina and the purpose of this Act to promote, encourage and develop the orderly and efficient marketing of products

of the home, farm, sea and forest; to establish, maintain, supervise and control, with the coöperation of counties, cities and towns, centrally located markets for the sale and distribution of such products, so as to promote a steady flow of commodities, properly graded and labelled, into the channels of trade at the time and place to enable the producer to get the market price and the consumer to get a product in keeping with the price paid.

SEC. 2. To secure these aims, there is hereby created an incorporated public agency of the State, to be known as the State Marketing Authority, hereinafter referred to as the "Authority." It shall consist of the members of the State Board of Agriculture, and the Commissioner of Agriculture shall be the chairman. They shall perform the duties and exercise the powers herein set out as a part of their official duties as members of the Board of Agriculture. The Governor shall appoint from time to time commodity advisers to plan with the Authority the programs undertaken in their respective communities. The Authority shall elect and prescribe the duties of a Secretary-Treasurer, who shall not be a member of the Authority. He shall give bond in such amount as the Authority shall determine in some reliable surety company doing business in North Carolina, and the Authority shall pay the premiums. The Authority shall meet in regular session annually at a fixed place and date, and shall meet in special session at such other times and places as the chairman may request. The members shall receive no salary, but shall receive actual expenses plus seven dollars per day for actual time spent in performing their duties.

State Marketing Authority created.

Members.

Powers and duties.

Commodity advisers.

Secretary-Treasurer.

Bond.

Meetings of Authority.

Expenses.

SEC. 3. The Authority shall have the following powers:

Powers of Authority.

(1) To sue and be sued in its corporate name in any court or before any administrative agency of the State or of the United States, and to enter into agreements with the United States Department of Agriculture or any other legally constituted State or Federal agency, or with any county, city or town in the furtherance of the purposes of this Act.

Power to sue and be sued; to make certain contracts.

(2) To plan, build, construct, or cause to be built or constructed, or to purchase, lease or acquire the use of any warehouses or other facilities that may be necessary for the successful operation by the Authority of wholesale markets for products of the home, farm, sea and forest at chosen points in North Carolina. The Authority may make such contracts as may be needed for these purposes. In no case shall the Authority be responsible for any rent except from the income of the market in excess of other operating expenses. The Authority may select and employ for each market capable managers, who shall be familiar with the problems of the grower and the distributor, and of the marketing of farm products, and who shall have the business ability and training to operate a market and to plan

Acquisition of warehouses and other facilities.

Employment of market managers.



Assistants.

Regulations.

Marketing benefits for merchants and others; supervision of facilities.

Fixing rentals and charges for service.

Issuance of permits to itinerant dealers.

Effect of permits.

Issuance of bonds and other securities.

Form and maturity.

Interest rate.

Execution.

for its proper development and growth in order best to serve the interests of producers, distributors, consumers in the area, and the general public. The managers may employ assistants and agents with the approval of the Authority. The Authority may make such regulations as will promote the policy of this Act, as to the manner in which the markets shall be operated, the business conducted, and stalls sublet to dealers.

(3) To fix the terms upon which individual, coöperative or corporate wholesale merchants, warehouses or warehousemen may place their facilities or services under the supervision and regulation of the Authority. The Authority may extend to any such wholesale merchants, warehouses or warehousemen marketing benefits in the form of inspection, market informational and news service and may make regulations as to the operation of such facilities or services and as to forms, reports, handling, grades, weights, packages, labels, and other standards for the products handled by such merchants, warehouses or warehousemen.

(4) To fix rentals and charges for each type of service or facility in the markets under its control, taking into consideration the cost of such facility or service, the interest and amortization period required, a proper relationship between types of operators in the market, cost of operation, and the need for reasonable reserves for repairs, depreciation, expansion, and similar items. These rentals and charges shall not bring any profit to any agency over and above the costs of operation, necessary reserves, and debt service.

(5) To issue permits to itinerant dealers in intrastate commerce, who express a willingness to come under the program of the State Marketing Authority. Such permits shall enable the holders to solicit orders and to buy and sell produce under the rules and regulations of the Authority and in conformance with Public Laws one thousand nine hundred and nineteen, Chapter three hundred and twenty-five, entitled "An Act to Provide for the Establishment of Standard Packages, Grades, State Brands, and for other Purposes," and not inconsistent with the United States Perishable Agricultural Commodities Act, one thousand nine hundred and thirty (46 Stat. 531).

(6) To issue bonds and other securities to obtain funds to acquire, construct, and equip warehouses to be used in carrying out the purposes of this Act. The bonds shall be entitled "North Carolina Marketing Authority Bonds" and shall be issued in such form and denominations and shall mature at such time or times, not exceeding thirty years after their date, and shall bear such interest, not exceeding five per cent per annum, payable either annually or semi-annually, as the Authority shall determine. They shall be signed by the Chairman of the Author-



ity, and the corporate seal affixed or impressed upon each bond and attested by the Secretary-Treasurer of the Authority. The coupons shall bear the facsimile signature of the chairman officiating when the bonds are issued. Any issue of these bonds and notes may be sold publicly, or at private sale for not less than par to the Reconstruction Finance Corporation or other State or Federal agency, or may be given in exchange to any county, city, town or individual for the lease or purchase of property to be used by the Authority. To secure such indebtedness, the Authority may give mortgages or deeds of trust, executed in the same manner as the bonds, on the property purchased or acquired, and may pledge the revenues from the markets in excess of operating expenses, interest and insurance: Provided, that each market shall be operated on a separate financial basis, and only such revenues and properties of each separate market shall be liable for the obligations of that market. No obligations incurred by the Authority shall be obligations of the State of North Carolina or any of its political subdivisions, or a burden on the taxpayers of the State or any political subdivision. This does not prevent the State or any of its agencies, departments or institutions, or any private or public agency from making a contribution to the Authority, in money or services or otherwise.

Coupons.

Sale of bonds.

Execution of mortgages, etc.

Pledge of revenue.

Separate operation of markets.

Relation of State and subdivisions to Authority.

Bonds and notes issued under this Act shall be exempt from all state, county or municipal taxes or assessments of any kind; the interest shall not be taxable as income, nor shall the notes, bonds, nor coupons be taxable as part of the surplus of any bank, trust company or other corporation.

Tax exemption.

(7) Any resolution or resolutions authorizing any bonds shall contain provisions which shall be a part of the contract with the holders of the bonds, as to:

Provisions of bond resolutions:

(a) Pledging the fees, rentals, charges, dues, tolls, and inspection and sales fees, and other revenues to secure payment of the bonds;

Pledging revenues.

(b) the rates of the fees or tolls to be charged for the use of the facilities of the warehouse or warehouses, and the use and disposition of the revenues from its operation;

Rates of fees or tolls.

(c) the setting aside of reserves or working funds, and the regulation and disposition thereof;

Reserve funds.

(d) limitations on the purposes to which the proceeds of sale of any issue of bonds may be applied;

Limitations on use of proceeds.

(e) limitations on the issuance of additional bonds; and

Limit on additional bonds.

(f) the procedure, if any, by which the terms of any contract with bond holders may be amended or abrogated, the amount

Procedure for amending contract with bond holders.

of bonds the holders of which must consent thereto, and the manner in which such consent may be given.

Acceptance of grants in aid, etc.

(8) To accept grants in aid or free work.

Corporate Seal.

(9) To adopt, use and alter a corporate seal.

Dispossession of tenants.

(10) To dispossess tenants for nonpayment of rent and for failure to abide by the regulations of the Authority.

General powers.

(11) To hire necessary agents, engineers, and attorneys, and to do all things necessary to carry out the powers granted by this Act.

#### SEC. 4. The Authority shall not permit:

Discrimination prohibited.

(1) Any discrimination against the sale, on any of the markets under their control, of any farm product because of type of operator or area of production.

Restriction on use of funds.

(2) The use of any of its funds for any purpose other than for the support, necessary expansion, and operation of this State marketing system, or to establish any retail market or to build or furnish more than one market in any town.

Fiscal year.

SEC. 5. The Authority shall operate on a fiscal year, which shall be from July first to June thirtieth. The Commissioner of Agriculture shall file an annual report with the Governor containing a statement of receipts and disbursements and the purposes of such disbursements, and a complete statement of the financial condition of the Authority, and an account of its activities for the year.

Application of revenues from operation of warehouses.

SEC. 6. All rentals and charges, fees, tolls, storage and sales commissions and revenues of any sort from operation of each warehouse shall be applied to the payment of the cost of operating and administering the warehouse and market facilities including interest on bonds and other evidences of indebtedness issued therefor, and the cost of insurance against loss by injury to persons or property, and the balance shall be paid to the Secretary-Treasurer of the Authority and be used to provide a sinking fund to pay at or before maturity all bonds and notes and other evidences of indebtedness incurred for and on behalf of the building, constructing, maintaining and operating of each warehouse. A separate sinking fund account shall be kept for each market, and no market shall be liable for the obligations of any other market.

Sinking Fund.

Exemption from taxes and assessments.

SEC. 7. The Authority shall be regarded as performing an essential governmental function in constructing, operating or maintaining these markets, and shall be required to pay no taxes or assessment on any property acquired or used by it for the purposes herein set out.

SEC. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 9. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable. Partial invalidity section.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1941.

H. B. 178

## CHAPTER 40

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO THE SALE OF TAX LIENS ON REAL PROPERTY IN WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION. 1. That the first paragraph of Subsection (c) of Section one thousand seven hundred and fifteen of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine be amended by striking out the period at the end of said paragraph and inserting in lieu thereof a colon, and by adding the following: "Provided, that in Wayne County public notice of the time, place and purpose of such sale may be given by advertisement at the courthouse door or city hall for four successive weeks preceding such sale and by advertisement for four successive weeks preceding such sale at a public place in the township wherein the property lies, in lieu of the newspaper advertisement hereinbefore required." Sec. 1715, Ch. 310, Public Laws, 1939, amended as to advertisement of tax sales, Wayne County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1941.

H. B. 181

## CHAPTER 41

AN ACT TO AUTHORIZE THE ISSUANCE OF NOTES  
OF THE STATE FOR THE PURPOSE OF PAYING  
APPROPRIATIONS.*The General Assembly of North Carolina do enact:*Tax anticipa-  
tion notes  
authorized.Consent of  
Governor and  
Council of State.

Renewal of notes.

Interest rate.

Execution and  
negotiation.Pledge of  
State credit.Notes and interest  
exempt from  
taxation.Investment by  
fiduciaries and  
others authorized.

SECTION 1. That for the purpose of paying appropriations made for each year of the biennium ending June thirtieth, one thousand nine hundred and forty-three for the various institutions, departments and agencies of the State, the State Treasurer, by and with the consent of the Governor and Council of State, shall have authority to borrow in anticipation of the collection of taxes and revenues for such biennium such sum or sums as may be necessary for such purpose and as may be determined by the Governor and Council of State, and to execute and issue notes of the State for the money so borrowed, and to pledge the credit of the State for the payment thereof. Such notes may be renewed from time to time and money may be borrowed upon new notes from time to time for the payment of any indebtedness evidenced thereby. All such notes and renewal notes shall bear such date or dates and such rate or rates of interest, and shall mature in such amounts and at such time or times as may be determined by the Governor and Council of State, and shall be executed by the State Treasurer and negotiated and disposed of by him in such a manner as may be determined by the Governor and Council of State.

SEC. 2. That the full faith, credit and taxing power of the State are hereby pledged for the payment of the principal and interest of the notes herein authorized.

SEC. 3. That all of said notes shall be exempt from all State, county and municipal taxation or assessments, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise; and the interest on said notes shall not be subject to taxation as for income, nor shall said notes be subject to taxation when constituting a part of the surplus of any bank, trust company, or other corporation, or of the estate of any decedent.

SEC. 4. That it shall be lawful for all executors, administrators, guardians and fiduciaries generally, and all sinking fund commissioners, to invest any monies in their hands in said notes.

SEC. 5. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1941.

S. B. 50

## CHAPTER 42

AN ACT TO CLARIFY AND VALIDATE ACTS OF THE GENERAL ASSEMBLY CONTAINING REFERENCES TO, AND AMENDMENTS OF THE NORTH CAROLINA CODE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter four hundred and forty-three of the Public Laws of one thousand nine hundred and thirty-three be amended so as to read as follows:

Ch. 443, Public Laws, 1933, amended.

"That all acts of the General Assembly containing references to, or amendments of, any section or sections of "The North Carolina Code," or "The North Carolina Code of one thousand nine hundred and twenty-seven," or "The North Carolina Code of one thousand nine hundred and thirty-one," or "The North Carolina Code of one thousand nine hundred and thirty-five," or "The North Carolina Code of one thousand nine hundred and thirty-nine," or Michie's North Carolina Code, are hereby declared to be intended as references to, and amendments of, the apposite, related, or cognate section or sections of the Consolidated Statutes or the Public Laws which enacted the provision of the section referred to, and all such references and amendments shall be liberally construed as intending to amend or relate to said apposite, related, or cognate sections of the Consolidated Statutes or to the Public Laws which enacted the provisions of the section referred to."

Statutory reference to N. C. Code, etc., clarified.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1941.

S. B. 89

## CHAPTER 43

AN ACT TO AMEND CONSOLIDATED STATUTES OF NORTH CAROLINA AS TO THE STATE GUARD.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred and eleven of the Consolidated Statutes of North Carolina be and same hereby is amended by adding between Articles five and six an additional article and section and subsections to be in words and figures as follows:

Ch. 111, Consolidated Statutes, amended.



## "Art. 5½

## STATE GUARD

Organization of  
State Guard.

6859a Authority to Organize and Maintain State Guard of North Carolina.

Powers of  
Governor.

1. Whenever the President of the United States shall order or call all or any part of the National Guard of the State into active Federal service, the Governor is authorized, subject to such regulations as the Secretary of War may prescribe, to organize such part of the unorganized militia as a state force, for discipline and training, into companies, battalions, or regiments, as may be deemed necessary for the defense of the state; to maintain, uniform, and equip such military force within the appropriation available; to exercise discipline in the same manner as is now or may be hereafter provided by the state laws for the National Guard; to train such force in accordance with training regulations issued by the War Department. Such military force to be subject to the call or order of the Governor to execute the law, suppress riots or insurrections, or to repel invasion, as is now or may hereafter be provided by law for the National Guard and for the unorganized militia. Units of the State Guard will be disbanded upon return of the National Guard to state control, or as soon thereafter as practical.

State Guard  
duties.

Disbanding  
units.

Name.

2. Such military force shall be designated as the "North Carolina State Guard" and shall be composed of men of the unorganized militia as shall volunteer for service therein, or as shall be drafted as provided by law. They shall be additional to and distinct from the National Guard organized under existing law. They shall not be required to serve outside the boundaries of this State.

Personnel.

Service in  
State.

Rules and  
regulations.

3. The Governor is hereby authorized to prescribe the rules and regulations governing the appointment of officers, the enlistment of men, the organization, administration, equipment, discipline and discharge of the personnel of such military force; to requisition from the Secretary of War such arms and equipment as may be in possession of and can be spared by the War Department, and to extend thereto the facilities of available armories and their equipment and such State premises and property as may be available for the purpose of drill and instruction.

Arms and  
equipment.

Armory  
facilities.

Guard, as such,  
not subject to  
U. S. military  
service.

4. Such force shall not be called, ordered, or in any manner drafted, as such, into the military service of the United States, but no person shall by reason of his membership in any such unit or organization be exempted from military service under any Federal law.

Members not  
exempt.

Appropriation of  
funds for benefit  
of State Guard.

5. The Governor is hereby authorized to appropriate to the benefit of the State Guard any and all unexpended monies found by the Governor to be unnecessary for use of the National

Guard in the appropriation made to the National Guard by the General Assembly, for the present or for subsequent fiscal years and, if necessary, to make allotment of monies from the contingent and emergency fund with the concurrence of the Council of State. Upon the disbandment of the State Guard any monies or balance to the credit of the units of this organization shall be paid into the State Treasury for the benefit of the National Guard, and all property, clothing, and equipment belonging to the State shall be transferred to the account of the National Guard for disposition in accordance with the best interests of the State and as deemed advisable by the Governor. Upon the disbandment of any one or more units of the State Guard on a date prior to the disbandment of the entire organization, the Governor is authorized to have transferred any state property or balance of funds of said disbanded units to any new unit or units organized to fill such vacancies, or otherwise as the Governor may direct.

Disposition of remaining funds, property, etc., upon disbandment.

6. The North Carolina State Guard shall be subject to the military laws of the State not inconsistent with or contrary to the provisions contained in this Article with the following exceptions:

State Guard subject to State military laws.

The provisions of Section 6870, 6871, 6872, and 6889, C. S. of North Carolina, 1919, as amended, shall not be applicable to the personnel and units of the State Guard.

Exceptions.

7. (a) There shall be allowed annually to each unit or company of the State Guard such funds as may be necessary to be applied to the payment of armory rent, heat, light, stationery, printing, and other expenses. The allowance to each unit annually will not exceed \$600.00.

Allowances for expenses.

Maximum for unit.

(b) All payments are to be made by the Adjutant General in accordance with state laws in semi-annual installments on the first day of July and the first day of January of each year, but no payment shall be made unless all drills and parades required by law are duly performed by all organizations named.

Payments by Adjutant General.

Prerequisites for payments to units.

(c) The commanding officer of all organizations participating in the appropriation herein named shall render an itemized statement of all funds received from any source whatsoever for the support of their respective organizations in such manner and on such forms as may be prescribed by the Adjutant General. Failure on the part of any officer to submit promptly, when due, the financial statement of his organization will be sufficient cause to withhold all appropriations for such organizations."

Itemized statement of receipts by commanding officer.

Effect of failure to file statement.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1941.

## S. B. 94

## CHAPTER 44

AN ACT TO AMEND ARTICLE SEVENTEEN OF CHAPTER THREE HUNDRED AND TEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO THE COLLECTION AND FORECLOSURE OF TAXES AND APPLYING ONLY TO CUMBERLAND COUNTY.

*The General Assembly of North Carolina do enact:*

Art. 17, Ch. 310,  
Public Laws,  
1939, amended.

SECTION 1. That Article seventeen of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine be amended as follows:

Section 1715,  
amended.

(a) By striking out in Section one thousand seven hundred and fifteen, Subsection (a), the word "shall" in line six, and inserting in lieu thereof the word "may," and by adding the following new paragraph at the end of Subsection (a):

Authority to  
dispense with  
sale of tax  
certificates.

"If the governing body is of the opinion that the best interests of the taxing unit will be served by dispensing with the sale of tax certificates, they shall not be required to order such sale."

Section 1716,  
amended.

(b) By adding the following new paragraph at the end of Section one thousand seven hundred and sixteen, Subsection (b):

Penalties and  
interest when  
tax sales dis-  
pensed with.

"If the taxing unit elects to dispense with the sale of tax certificates provided for in Section one thousand seven hundred and fifteen, the penalty and interest on such delinquent taxes as would otherwise have been included in certificates shall, beginning on the first Monday in August next following the time at which such taxes became due, accrue at the rate of eight per centum (8%) per annum in the same manner as if such sale had been held."

Section 1717,  
amended.

(c) By adding the following new paragraph at the end of Section one thousand seven hundred and seventeen:

Rights and  
remedies of  
purchaser or  
assignee of  
original tax lien.

"If the taxing unit elects to dispense with the sale of tax certificates provided for in Section one thousand seven hundred and fifteen, this section shall be applicable from and after the first Monday in August next following the time at which taxes become due; and the purchaser or assignee of the original tax lien hereunder shall have the same rights and remedies as if he had purchased a certificate at the sale provided for in Section one thousand seven hundred and fifteen."

Section 1718,  
amended, as to  
filing reports  
when tax sales  
omitted.

(d) By adding to Subsection (a) (1) of Section one thousand seven hundred and eighteen a new paragraph to read as follows:

"If the taxing unit elects to dispense with the sale of certificates provided for in Section one thousand seven hundred and

fifteen the first part of such report may be dispensed with, but the second part shall be made, within the discretion of the governing body, not earlier than the third Monday in June and not later than the third Monday in August."

(e) By inserting between the first and second paragraphs of Subsection (a) (3) of Section one thousand seven hundred and eighteen a new paragraph to read as follows:

Section 1718, amended, as to settlements by tax collectors when tax sales omitted.

"If the taxing unit elects to dispense with the sale of certificates provided for by Section one thousand seven hundred and fifteen, the settlement shall be made not earlier than the first Monday in July and not later than the first Monday in September, as required by the governing body, and the tax collector shall be credited with the principal amount of taxes included in the original tax receipts in lieu of production of any tax sale certificates."

(f) By striking out in Section one thousand seven hundred and nineteen, Subsection (a), line three, the words "six months after the sale hereinbefore provided for" and substituting in lieu thereof the words "fourteen months after the date that the taxes become due and payable."

Section 1719, amended, as to time for beginning foreclosure suits.

(g) By striking out in Section one thousand seven hundred and twenty, Subsection (a), lines five, six and seven, the words "six months or more than two years (four years as to taxes of the principal amount of five dollars or less) following the collector's sale of certificates" and substituting in lieu thereof the words "fourteen months or more than three years (five years as to taxes of the principal amount of five dollars or less) after the taxes become due and payable."

Section 1720, amended, with respect to alternative method of foreclosure.

SEC. 2. That this Act shall apply only to Cumberland County.

Application of Act.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1941.



S. B. 120

## CHAPTER 45

AN ACT TO AMEND SECTION THREE OF CHAPTER FIFTY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN RELATING TO THE BOARD OF CONSERVATION AND DEVELOPMENT.

Preamble:  
Need for conserving natural resources emphasized.

WHEREAS, the increasing demands on the natural resources of the State by the National Defense program emphasize the advisability and necessity of conserving these basic sources of wealth; and

Importance of use of raw materials in State's progress.

WHEREAS, the future progress of North Carolina depends to an important degree upon the increasing utilization of the raw materials of the State in manufacturing processes; and

Need for reorganization of Board of Conservation and Development.

WHEREAS, the above purposes can be best and most expeditiously attained by a reorganization of the Board of Conservation and Development to represent more completely the wide spread duties and responsibilities of the Department of Conservation and Development: Now, therefore,

*The General Assembly of North Carolina do enact:*

Appointment of Board of Conservation and Development.

SECTION 1. The Governor is authorized and directed to appoint a board of fifteen members to be known as the Board of Conservation and Development, which board shall succeed to and be clothed with all the powers, duties and responsibilities heretofore exercised by the Board of Conservation and Development.

Powers and duties.

Terms.

The terms of office for the said board members shall be four years. In his appointment of said members, the Governor is directed to take into consideration the functions and activities of said Board of Conservation and Development and to select members who are qualified to represent the different activities and functions of the department, giving as near as possible proportional representation to each and all of the functions and activities of said department.

Basis of selection.

Meetings.

The said board shall be required to meet at least twice per year; once in January and once in July, the exact time and place to be designated by the chairman of the board, and the board may hold such other meetings at different times and places as may be deemed by the board necessary to the proper conduct of the business of the department. The members of the board shall receive not more than five dollars per diem and actual travel expenses while in attendance on board meetings or while engaged in the business of the department.

Compensation.

Expiration of terms of present members.

The terms of office of the present twelve members of the Board of Conservation and Development shall expire on May first, one thousand nine hundred and forty-one.



This measure shall not be construed as repealing, limiting or affecting in any way the duties and responsibilities now assigned to or in the future delegated to the said board and Department of Conservation and Development.

Construction  
of Act.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1941.

H. B. 179

## CHAPTER 46

AN ACT TO RELIEVE WAYNE COUNTY FROM LIABILITY FOR PROPERTY DAMAGES OR PERSONAL INJURIES CAUSED BY DOGS UNDER SECTION ONE THOUSAND SIX HUNDRED AND EIGHTY-ONE OF VOLUME ONE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one thousand six hundred and eighty-one of Volume one of the Consolidated Statutes of one thousand nine hundred and nineteen, with amendments thereto, be, and the same is hereby, amended by striking out the period at the end thereof and inserting in lieu thereof a colon, and by adding the following: "Provided also, that all that portion of this section after the word "collected," in line two, shall not apply to Wayne County."

C.S. 1681,  
amended, to  
exempt Wayne  
County from  
liability for  
damages by  
dogs.

SEC. 2. This Act shall not apply to pending claims for which Wayne County may be liable under the law as it heretofore existed.

Act not applicable  
to pending claims.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1941.

## S. B. 24

## CHAPTER 47

AN ACT TO REQUIRE THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION TO MAINTAIN AND KEEP IN REPAIR ROADS LEADING FROM THE STATE MAINTAINED HIGHWAYS TO PUBLIC SCHOOLS IN THIS STATE.

*The General Assembly of North Carolina do enact:*

Sec. 3846 (j),  
N. C. Code,  
amended.

SECTION 1. That Section three thousand eight hundred and forty-six (j) of the North Carolina Code be amended by adding a new subsection designated as Subsection (s), as follows:

Maintenance and  
repair of roads  
leading from  
State highways  
to public schools.

“(s). That the State Highway and Public Works Commission be and it is hereby authorized and required to maintain and keep in repair roads sufficient to accommodate school buses leading from the State maintained public road to all schools and school buildings to which children are transported on school buses to and from their homes during the regular organized school year.”

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

## S. B. 133

## CHAPTER 48

AN ACT TO REGULATE THE USE OF THE NET PROFITS FROM THE SALE OF ALCHOLIC BEVERAGES IN CUMBERLAND COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 49, Public  
Laws, 1937,  
amended.

SECTION 1. That Section twenty-one of Chapter forty-nine of the Public Laws of one thousand nine hundred and thirty-seven, appearing in Michie's North Carolina Code of one thousand nine hundred and thirty-nine as Section three thousand four hundred and eleven (85), be, and the same is, hereby amended by adding thereto the following:

Alcoholic Bever-  
age Fund, Cum-  
berland County.

“That in Cumberland County the moneys representing the entire net profits aforesaid shall be kept in a special fund or account, to be known as the ‘Alcoholic Beverage’ fund, and the said moneys shall be used exclusively for the payment of the principal and interest, either or both, of the outstanding bonds of said county; provided, however, that this Act shall not repeal the provisions of Senate Bill one hundred and eighteen, Public-

S.B. 118 (Ch. 77,  
Public-Local  
Laws, 1941),  
not repealed.

Local Laws of one thousand nine hundred and forty-one, providing for the payment of the sum of twenty-five thousand (\$25,000.00) dollars to the treasurer of the City of Fayetteville by the Board of Alcoholic Control of Cumberland County during the fiscal year ending June thirtieth, one thousand nine hundred and forty-one."

SEC. 2. That all laws and parts of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

S. B. 165

## CHAPTER 49

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY, PUBLIC LAWS OF NORTH CAROLINA, ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, TO PLACE WAKE COUNTY UNDER THE PROVISIONS OF THE SAID ACT REGULATING THE PUBLICATION OF LEGAL ADVERTISING.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section four and one-half of Chapter one hundred and seventy, Public Laws of one thousand nine hundred and thirty-nine, is hereby amended by striking out all of said Section four and one-half.

Ch. 170, Public Laws, 1939, amended, removing Wake, Chatham and Stanly Counties from exemption.

SEC. 1½. Amend Section two of Chapter one hundred and seventy of the Public Laws of North Carolina one thousand nine hundred and thirty-nine by striking out after the word "apply" in line four of Section two and before the word "in" in line five of said section, the words "in Yadkin County nor."

Law further amended, removing Yadkin County from exemption.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

## H. B. 11

## CHAPTER 50

AN ACT TO AMEND AND SUPPLEMENT THE REVENUE ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE (1939), THE SAME BEING CHAPTER ONE HUNDRED AND FIFTY-EIGHT (158) OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE (1939).

*The General Assembly of North Carolina do enact:*

## TITLE AND PURPOSE OF ACT

Title of Act. SECTION A. The title of this Act shall be "The Act of One Thousand Nine Hundred and Forty-one (1941), Amending and Supplementing the Revenue Act of One Thousand Nine Hundred and Thirty-nine (1939)."

Purpose of Act. SECTION B. The purpose of this Act is to amend and supplement the Revenue Act of one thousand nine hundred and thirty-nine (1939) and to raise and provide revenue for the purposes therein set forth.

Ch. 158, Public Laws, 1939, amended. That the Revenue Act of one thousand nine hundred and thirty-nine (1939), the same being Chapter one hundred and fifty-eight (158) of the Public Laws of one thousand nine hundred and thirty-nine (1939), be, and the same is hereby, amended and supplemented as hereinafter provided in this Act, that is to say:

1939 Revenue Act continued in force until changed by law. SECTION 1. That Section B, Purpose of Act, be and the same is hereby amended and supplemented by striking out the period after the word "thereafter" at the end of Section B, Purpose of Act, and adding:

" , and the provisions of this Act shall be and remain in full force and effect until changed by law."

Inheritance Tax Article, amended. SEC. 2. Amendments to the Inheritance Tax Article, Article I, Schedule A.

Provision as to tax on transfers by settlement, etc. eliminated in Section 1, ¶ First. Subsection (a) That Subsection first of Section one (1) be and the same is hereby amended by striking out the semicolon in the third line after the word "State" and the remainder of the paragraph through the words: "while a resident of the "State" and placing a period after the word "State" in line three.

Provision as to settlements in will controversies eliminated, ¶ Second. Subsection (b) That Section second be and the same is hereby amended by striking out after the words: "any other state" in line two and before the words: "of real property" in line three the following words: "or by settlements in controversies over wills, as set forth in the preceding paragraph,"

Subsection (c) That Section one (1) be and the same hereby is amended and supplemented by adding at the end thereof, after Subsection seventh, the following:

Section one  
further amended.

“Provided, however, that nothing in this Article shall be construed as imposing a tax upon any transfer of intangibles not having a commercial or business situs in this State, by a person, or by reason of the death of a person, who was not a resident of this State at the time of his death, and, if held or transferred in trust, such intangibles shall not be deemed to have a commercial or business situs in this State merely because the trustee is a resident or, if a corporation, is doing business in this State, unless the same be employed in or held or used in connection with some business carried on in whole or in part in this State.”

No tax on transfer of non-resident's intangibles having no situs in State.

Subsection (d) That Section seven (7) be and the same hereby is amended by striking out Subsection (a) and inserting the following in lieu thereof:

Sec. 7,  
amended.

“(a) Taxes accrued and unpaid at the death of the decedent and unpaid ad valorem taxes accruing during the calendar year of death.”

Taxes deductible.

SEC. 3. Amendment to License Tax Article, Article II, Schedule B.

License Tax  
Article  
amended.

Subsection (a) That, effective June first, one thousand nine hundred and forty-one (1941), Section one hundred and seven (107) be and the same is hereby amended by striking out the third paragraph of said section beginning with the words: “; provided, that when a person,” and ending with the words: “towns under this proviso.” and inserting in lieu thereof the following:

Sec. 107,  
amended.

“Provided, that when a person, firm, or corporation exhibits only riding devices which are not a part of, nor used in connection with any carnival company, the tax shall be ten dollars (\$10.00) per week for each such riding device, provided that counties, cities and towns may levy and collect a license tax upon such riding devices not in excess of five dollars (\$5.00) for each such device.

Tax on riding  
devices.

Tax by local  
units.

“Provided, further, that it shall be unlawful under this section for the owners and/or operators of riding devices to operate, or cause to be operated, any show, game, stand or other attraction whatsoever.”

Certain operations by riding device operators unlawful.

Subsection (b) That, effective June first, one thousand nine hundred and forty-one (1941), that Subsection (c) of Section one hundred and nine (109) be amended by placing a period

Sec. 109, sub-sec. (c), amended, as to application to photographers.



after the words "this State" and before the words "except the same" and by striking out the remainder of the paragraph after the word "State."

Sec. 112, sub-sec. (b), amended, to exempt persons delivering coal, etc. to State institutions, etc.

Subsection (c) That, effective June first, one thousand nine hundred and forty-one (1941) that Subsection (b) of Section one hundred and twelve (112) be amended by striking out the period at the end of paragraph "(b)" and adding a semicolon and the following words: "Provided that this section shall not apply to persons, firms or corporations who deliver coal or coke to State institutions or public schools only."

Sec. 112, sub-sec. (d), amended.

Subsection (d) That, effective June first, one thousand nine hundred and forty-one (1941) that Subsection (d) of Section one hundred and twelve (112) be amended by striking out the present subsection and inserting in lieu thereof the following:

Deduction of ad valorem taxes by operators of coal mines in State.

"(d) From the taxes levied under authority of this section, any person, firm or corporation owning or operating a coal mine in this State shall be allowed to deduct the amount of ad valorem taxes for the current year levied by any county in this State on the mine, mineral rights or land itself, from which said coal is mined: Provided, further, that any person, firm or corporation soliciting orders for pool cars of coal to be distributed without profit shall be subject to the license tax."

Solicitors for pool cars taxable.

Sec. 115, sub-sec. (a), amended, as to liability of horse or mule auctioneer for per-head tax.

Subsection (e) That, effective June first, one thousand nine hundred and forty-one (1941), amend the second paragraph of Subsection (a) of Section one hundred and fifteen (115) by striking out the period at the end of the second sentence after the words "in this section" in line nine (9) of the paragraph and adding the following: "unless sold to a licensed dealer for the purpose of resale."

Sec. 121, sub-sec. (e), tax on non-regular retail merchants displaying goods in hotels, repealed.

Subsection (f) That, effective June first, one thousand nine hundred and forty-one (1941), that Subsection (e) of Section one hundred and twenty-one (121) be and the same is hereby repealed in its entirety and Subsection (f) shall be designated as Subsection (e) and Subsection (g) designated as (f) and Subsection (h) designated as Subsection (g).

Section 123, rewritten.

Subsection (g) That, effective June first, one thousand nine hundred and forty-one (1941), Section one hundred and twenty-three (123) be and the same hereby is stricken out and the following inserted in lieu thereof:

Mercantile agencies defined.

"(a) Every person, firm or corporation engaged in the business of reporting the financial standing of persons, firms or corporations for compensation shall be deemed a mercantile agency, and shall apply for and procure from the Commissioner of Revenue a statewide license for the privilege of transacting such business within this State, and shall pay for such license

State-wide license.

Amount of tax.

a tax of five hundred dollars (\$500.00), the said tax to be paid by the principal office in the State, and if no such principal office in this State, then by the agent of such mercantile agency operating in this State: Provided, however, that mercantile agencies not publishing a statewide credit or financial rating book shall pay only an annual tax of one hundred dollars (\$100.00).

Exception.

“(b) Any person representing any mercantile agency which has failed to pay the license tax provided for in this section shall be guilty of a misdemeanor and fined and/or imprisoned in the discretion of the court.

Failure to pay tax made misdemeanor.

“(c) Counties, cities, or towns shall not levy any license tax on mercantile agencies, as herein defined.”

Tax by local units prohibited.

Subsection (h) That, effective June first, one thousand nine hundred and forty-one (1941), Section one hundred and thirty (130) be and the same is hereby amended and supplemented by striking out said Section one hundred and thirty (130) in its entirety and inserting in lieu thereof the following:

Section 130, rewritten.

“SEC. 130. Merchandising, music, and weighing machines.

Vending, music and weighing machines.

“(1) Every person, firm, or corporation engaged in the business of operating, maintaining, or placing on location anywhere within the State of North Carolina, any machine or machines, in which is kept any article or merchandise to be purchased, any machine which plays records, or produces music, or any weighing machine, shall apply for and procure from the Commissioner of Revenue a statewide license to be known as an annual operator's license, and shall pay for such license the following tax:

Annual operator's license.

Operators of Music Machines .....	\$100.00
Operators of Cigarette Vendors .....	100.00
Operators of Slot Drink Vendors .....	100.00
Operators of Food Vending or Merchandising Machines .....	25.00
Operators of Weighing Machines .....	25.00

Amount of tax.

“(2) In addition to the above annual operator's license, every person, firm, or corporation operating any of the above machines, shall apply for and obtain from the Commissioner of Revenue, what shall be termed a statewide license for each machine operated and shall pay therefor the following annual tax:

State-wide license for each machine required.

Music Machines .....	\$10.00
Cigarette Vendors .....	5.00
Slot Drink Vendors .....	15.00
Weighing Machines .....	2.50
1c Food Vending or Merchandising Machines .....	.50
5c Food Vending or Merchandising Machines .....	1.00

Amount of tax.

Machines vending peanuts and peanut candy, exempt.

Provided, that the above tax on food vending or merchandising machines shall not apply to machines that vend solely peanuts, neither shall the tax apply to machines that vend candy containing fifty per cent (50%) or more peanuts.

Application for license: contents.

“(3) The applicant for license under this section shall, in making application for license, specify the serial number of the machine or machines proposed to be operated, together with a description of the merchandise or service offered for sale thereby, and the amount of deposit required by or in connection with the operation of such machine or machines. The license shall carry the serial number to correspond with that on the application, and no such license shall under any condition be transferable to any other machines. It shall be the duty of the person in whose place of business the machine is operated or located to see that the proper State license is attached in a conspicuous place on the machine before its operation shall commence.

Identifying serial number.

License not transferable.

License attached to machine.

Seizure of machines upon violation of section.

“(4) If any person, firm, or corporation shall fail, neglect or refuse to comply with the terms and provisions of this section or shall fail to attach the proper State license to any machine as herein provided, the Commissioner of Revenue, or his agents, or deputies, shall forthwith seize and remove such machine, and shall hold the same until the provisions of this section have been complied with. In addition to the above provision the applicant shall be further liable for the additional tax imposed under Section one hundred and ninety (190) of this Act.

Additional tax.

Sales of such merchandise subject to sales tax.

“(5) Sales of merchandise herein referred to shall be subject to the provisions of Article V, Schedule “E” of this Act, and the tax therein levied shall be paid by the operator of such machines.

Limited license tax by local units permitted.

“(6) Counties, cities and towns may levy and collect a license tax not in excess of fifty per cent (50%) of the total amount collected by the State from music machines, weighing machines, and 1c and 5c food vending machines: Provided, that counties, cities and towns shall not levy and collect an annual operator's occupational license levied for the operation of the above named machines, neither shall any county, city or town levy and collect any tax whatsoever from operators of soft drink vendors: Provided, further, that counties, cities and towns shall not levy and collect any per machine license tax from operators of cigarette vendors. Counties, cities and towns may levy and collect an annual operator's occupational license on cigarette vendors not in excess of ten dollars (\$10.00).

Certain local unit taxes not allowed.

Local licensing of cigarette vendors.

Seizure of machines by local officers for violations.

“Counties, cities and towns levying a tax under the provisions of this section shall have power through their tax collecting officers, upon nonpayment of the tax levied by them, or of

any interest or penalty thereon, or upon failure to attach the evidence of license issued by them to any such machines, to seize, remove and hold such machines until all such defaults have been remedied."

Subsection (i) That, effective June first, one thousand nine hundred and forty-one (1941), Subsection (a) of Section one hundred and forty-five (145) is hereby amended by striking out the words and figures "ten dollars (\$10.00)" in said section and inserting in lieu thereof the words and figures "Five dollars (\$5.00)."

Sec. 145, sub-sec. (a), amended, reducing tax on metallic cartridge dealers.

SEC. 4. Amendments to the Franchise Tax Article, Article III, Schedule C.

Franchise Tax Article amended.

Subsection (a) That line four of Subsection (1) of Section two hundred and eight (208) be and the same is hereby amended by striking out the figures "\$350.00" and inserting in lieu thereof "\$200.00."

Sec. 208, sub-sec. (1), amended, reducing tax on insurance rate-making company.

Subsection (b) That Subdivision (2) of Section two hundred and ten (210) be and the same hereby is amended and supplemented by inserting at the end of the first paragraph thereof and before the second paragraph thereof the following:

Sec. 210, sub-sec. (2), amended.

"The capital stock for the purposes of this section shall be deemed to be inadequate to the extent that additional loans, credits, goods, supplies or other capital of whatsoever nature is furnished by the parent or affiliated corporation."

Capital stock: extent deemed inadequate.

Subsection (c) That Subsection (C) of Subdivision (3) of Section two hundred and ten (210), and the paragraph immediately following the same, be and the same hereby are amended and supplemented by striking out the same and inserting the following in lieu thereof:

Sec. 210, sub-div. (3), sub-sec. (C), amended.

"(C) If the principal business in this State of a corporation is other than that described in Subsection (A) or Subsection (B) of this section, then the total amount of capital stock, surplus and undivided profits of such corporation shall be apportioned to North Carolina on the basis of the ratio of its gross receipts in this State during the income year to its gross receipts for such year within and without the State.

Apportionment of capital stock, etc. of corporations not described in sub-secs. (A) or (B).

"(a) The words 'gross receipts' as used in this subsection shall be taken to mean and include the entire receipts for business done by such corporation.

"Gross receipts" defined.

"(D) The proportion of the total capital stock, surplus and undivided profits of each such corporation so allocated shall be deemed to be the proportion of the total capital stock, surplus and undivided profits of each such corporation used in connec-

Proportion of capital stock, etc. liable for tax.



tion with its business in this State and liable for annual franchise tax under the provisions of this section."

Income Tax Article amended.

SEC. 5. Amendments to the Income Tax Article, Article IV, Schedule D.

Sec. 302, sub-sec. 13, rewritten.

Subsection (a) That Section three hundred and two (302) be and the same hereby is amended and supplemented by striking out Subsection (13) and inserting the following in lieu thereof:

"Resident" defined.

"(13) The word 'resident' applies only to individuals and includes, for the purpose of determining liability for the tax imposed with reference to the income of any income year, all individuals who, at any time during such income year, are domiciled in this state, or who, whether regarding their domicile as in this state or not, reside within this state for other than a temporary or transitory purpose. In the absence of convincing proof to the contrary, any individual who is present within the State for more than six months during such income year shall be deemed to be a resident of the state; but absence from the state for more than six months shall raise no presumption that the individual is not a resident of the state.

Effect of 6 months residence in State.

Effect of absence.

Income report by persons resident only part of year.

"In cases in which it is demonstrated to the satisfaction of the Commissioner of Revenue that an individual was a resident of this state for only part of the income year, having moved into or removed from the State during such year, such individual shall, as to income received by him during the period of his residence, report for taxation all income required to be so reported by residents and shall, as to income received by him during the remainder of such year, report for taxation all income required to be so reported by nonresidents: Provided, that in the case of an individual removing from the state during such year, he shall not be regarded as having become a nonresident until he shall have both established a definite residence elsewhere and abandoned any domicile he may have acquired in this state.

Effect of leaving State during year.

Effect of non-residence at time tax becomes due.

"The fact that an individual is a nonresident of the state at the time the tax becomes due and payable shall not affect his liability for the tax."

Sec. 311, sub-div. II, sub-sec. 2 (f), amended.

Subsection (b) That Subsection 2 (f) of Subdivision II of Section three hundred and eleven (311) be and the same hereby is amended by striking out the word "article" in line four (4) and inserting the word "Act" in lieu thereof.

Sec. 311, sub-div. II, sub-sec. 3, rewritten.

Subsection (c) That Section three hundred and eleven (311) be and the same hereby is amended by striking out all of Subsection 3 of Subdivision II and inserting the following in lieu thereof:



"3. If the principal business in this State of a corporation is other than that described in Subsection 1 or Subsection 2 of Subdivision II of this Section, then the total income of such corporation shall be apportioned to North Carolina on the basis of the ratio of its gross receipts in this State during the income year to its gross receipts for such year within and without the State.

Apportionment of income of corporations not described in subsecs. 1 or 2.

"(a) The word 'gross receipts' as used in this subsection shall be taken to mean and include the entire receipts for business done by such company.

"Gross receipts" defined.

Subsection (d) That Section three hundred and twelve (312) be amended by inserting at the end of the paragraph preceding the last paragraph of said section and immediately following the words "such lease rentals shall not be taxable income against the lessor" the following words: "provided that the stockholders of any such lessor corporation who receive dividends on their stock in such corporation shall be entitled to such income tax exemption with respect to such dividends as they would have had if the lessor corporation had paid an income tax on such exempted lease rental."

Sec. 312, amended.

Tax exemption for stockholders of lessor corporation leasing rail lines.

Subsection (e) That Subdivision 1 of Section three hundred and seventeen (317) be and the same hereby is amended by striking out the word "proverty" in line five (5) and inserting the word "property" in lieu thereof:

Sec. 317, sub-div. 1, amended, to correct typographical error.

"That said Subdivision be further amended by striking out the sentence beginning in the 19th line thereof with the words 'The term gross income' and ending with the words 'United States,' and by inserting the following in lieu thereof:

"'The term 'gross income' and the words 'business, trade, profession, or occupation,' and the words 'salaries, wages, or compensation for personal services,' as used in this article, shall include compensation received for personal service as an officer or employee of the United States, any Territory or possession or political subdivision thereof, the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, including compensation as an officer or employee of the executive, legislative, or judicial branches of the government of the United States and of the military, naval, coast guard or other services thereof.'"

Salary of Federal employees, officers, included in "gross income," etc.

Subsection (f) That Section three hundred and eighteen and one-half (318½) be and the same is hereby amended so as hereafter to read as follows:

Sec. 318½, amended.

"The net income of a corporation doing business in this State which is a subsidiary or affiliate of another corporation shall be determined by eliminating all payments to or charges by

Determination of income of subsidiary corporations.

Consolidated return of subsidiary and parent corporations in certain cases.

Determination of true amount of net income of subsidiary, earned in State.

Authority to require consolidated returns, retroactive.

Subsidiary corporation defined.

Consolidated returns when parent company not doing business in State.

Section not applicable to certain corporations.

Commissioner's findings necessary to make section applicable.

the parent corporation or other subsidiaries or affiliates of the parent corporation in excess of fair compensation for all services performed for or commodities or property sold, transferred, leased, or licensed to the parent or to its other subsidiary or affiliated corporations by the corporation doing business in this State. If the Commissioner of Revenue shall find as a fact that a report by such subsidiary or affiliated corporation does not disclose the true earnings of such corporation on its business carried on in this state, the Commissioner may require that such subsidiary or affiliated corporation file a consolidated return of the entire operations of such parent corporation and of its subsidiaries and affiliates, including its own operations and income, and may determine the true amount of net income earned by such subsidiary or affiliated corporation in this state by taking the factor of investment in real estate and tangible personal property in this state and volume of business in this state and by relating these factors to the total investment of the parent corporation and its subsidiaries and affiliated corporations in real estate and tangible personal property in and out of this state and their total volume of business in and out of this state. The authority hereby given to require consolidated returns as aforesaid and to ascertain the true amount of income earned in this state on the basis herein prescribed may also be used by the commissioner as the basis of ascertaining the true net income earned in this state during the calendar year one thousand nine hundred and forty and for the three calendar years prior thereto. For the purposes of this Section, a corporation shall be deemed a subsidiary of another corporation when, directly or indirectly, it is subject to control by such other corporation by stock ownership, interlocking directors, or by any other means whatsoever exercised by the same or associated financial interests, whether such control is direct or through one or more subsidiary, affiliated, or controlled corporations, and a corporation shall be deemed an affiliate of another corporation when both are directly or indirectly controlled by the same parent corporation or by the same or associated financial interests by stock ownership, interlocking directors, or by any other means whatsoever, whether such control be direct or through one or more subsidiary affiliated or controlled corporations. Upon such finding by the Commissioner, the consolidated returns authorized by this section may be required whether the parent or controlling corporation or interest or its subsidiaries or affiliates are or are not doing business in this state. The provisions of this section do not apply to corporations subject to regulation by a regulatory body of this State which are required to maintain accounts in such manner as to reflect separately the business done in this State and file a report thereof with such regulatory body. This Section shall not apply unless the Commissioner further finds that the busi-

ness in this State is handled or affected in such manner as to distort or not reflect the true income earned in this State and finds in addition either or both of the following facts: (a) that the several corporations are owned or controlled by the same financial interests or (b) that they are members of a group of corporations associated together in carrying on a unitary business or are branches or parts of a unitary business or are engaged in different phases of the same general business or industry. If such consolidated return is required and is not filed within sixty days after demand, said subsidiary or affiliated corporation shall be subject to the penalty provided in this Act for failure to file returns and in addition shall be subject to the penalty provided in Section 901 of this Act, and in such event the provisions of subsection 5 of Section three hundred and thirty-six (336) shall apply.

Penalty for failure to file consolidated return.

“If the capital of any such subsidiary or affiliated corporation which is not required to file a consolidated return as above provided is inadequate for its business needs apart from credit extended or indebtedness guaranteed by the parent or affiliated corporation, the commissioner shall, in determining the net income of such corporation, disregard its indebtedness owed to or guaranteed by the parent or affiliated corporation in determining the net income taxable under this article. The capital stock for the purposes of this section shall be deemed inadequate to the extent that additional loans, credits, goods, supplies or other capital of whatsoever nature is furnished by the parent or affiliated corporation.

Disregard of debts owed to or guaranteed by parent corporation.

Capital stock: extent deemed inadequate.

“Such subsidiary or affiliated corporation shall incorporate in its returns required under this Section and article such information as the commissioner may reasonably require for the determination of the net income taxable under this article, and shall furnish such additional information as the commissioner may reasonably require. If the return does not contain the information therein required or such additional information is not furnished within thirty days after demand, the corporation shall be subject to a penalty of one hundred dollars a day for each day's omission, in addition to the penalty provided in Section 901 of this Act.

Information required in returns of subsidiary corporations.

Penalties for failure.

“If the commissioner finds that the determination of the income of a subsidiary or affiliated corporation under a consolidated return as herein provided will produce a greater or lesser figure than the amount of income earned in this State, he may readjust the determination by reasonable methods of computation to make it conform to the amount of income earned in this State; and if the corporation contends the figure produced is greater than the earnings in this State, it shall, within thirty days after notice of such determination, file with the

Readjustment of determined income of subsidiary.

Objections and alternative method filed.

Determination by Commissioner.	Commissioner a statement of its objections and of an alternative method of determination with such detail and proof as the Commissioner may require, and the Commissioner shall consider the same in determining the income earned in this State. In making such determination the findings and conclusions of the Commissioner shall be presumed to be correct and shall not be set aside unless shown to be plainly wrong.
Findings presumed correct.	
Effective date of subsection.	“The provisions of this subsection shall be in effect from and after the ratification of this Act.”
Sec. 319, amended, correcting error.	Subsection (g) That Section three hundred and nineteen (319) be and the same hereby is amended by striking out after the word “stock” in line fourteen (14) the word “of” and inserting the word “or” in lieu thereof.
Sec. 322, sub-sec. 10, amended.	Subsection (h) “That Subsection ten (10) of Section three hundred and twenty-two (322) be and the same hereby is amended and supplemented by striking out the last two sentences thereof and inserting the following in lieu thereof:
Restrictions on deducting income from business, etc. in another State taxing such income.	“The deduction herein authorized shall not include income received by residents of this State and domestic corporations from personal services (except as provided in Section 325), stocks, bonds, notes, mortgages, securities, or bank or other deposits or credits, nor in any case shall it operate to reduce the taxable income actually earned in this State or properly allocable as income earned in this State.”
Sec. 323, amended, adding partnership gifts to items not deductible in computing net income.	Subsection (i) That Section three hundred and twenty-three (323) be and the same hereby is amended and supplemented by adding at the end thereof the following:
Deduction by partners.	“(i) Contributions or gifts by partnerships. (Partners may deduct their proportionate part of contributions on their individual returns.)
Sec. 324, sub-div. 1, amended.	Subsection (j) That Section three hundred and twenty-four (324) be and the same hereby is amended by striking out Subsection (b) of Subdivision 1 and inserting the following in lieu thereof:
Income tax exemption for married man or person with dependents.	“(b) In the case of a married man with a wife living with him, two thousand dollars (\$2,000.00), or in the case of a person who is the head of a household and maintains the same and therein supports one or more dependent relatives, under eighteen years of age, or, if over eighteen years of age, incapable of self-support because mentally or physically defective, two thousand dollars (\$2,000.00).”
Sec. 324, sub-div. 1, sub-sec. (e), amended.	Subsection (k) That Subsection (e) of Subdivision 1 of Section three hundred and twenty-four (324) be and the same



hereby is amended and supplemented by adding at the end thereof the following:

“Exemptions for the children of taxpayers shall be allowed under this subsection only to the person entitled to the \$2,000.00 exemption provided in Subsection (b) of this subdivision.”

Exemptions for children, only to taxpayers given \$2,000 exemption.

“Subsection (l) That Section three hundred and twenty-five (325) be and the same hereby is stricken out and repealed and the following inserted in lieu thereof:

Sec. 325, re-written.

“Section 325. Exemption of Compensation for Personal Services of Certain Residents When Earned in Another Income Taxing Jurisdiction. Whenever a resident of this State maintains no definite and established home or place of abode in this State during the income year for himself or his immediate family but does maintain such a home or place of abode in another State or taxing jurisdiction during the income year and spends in the aggregate not more than thirty days in this State during such year, the salaries, wages, or compensations for personal services rendered in such other State or taxing jurisdiction and received by him during such year shall not be taxable in this State if he is required to pay an income tax thereon to such other State or taxing jurisdiction; but if such taxpayer has other income taxable in this State during such year, said salaries, wages, and compensations shall be included in his return to this State for the purpose of prorating the exemptions allowed by Section three hundred and twenty-four (324) of this Act, as therein provided. This Section shall take effect upon its ratification and shall apply to the income year 1940 and subsequent years.’ ”

Certain residents exempt as to income from personal services earned in another taxing jurisdiction.

Proration of exemptions.

Effective date and application of section.

Subsection (m) That Subsection five (5) of Section three hundred and twenty-six (326) be and the same hereby is stricken out and repealed.

Sec. 326, sub-sec. (5), repealed, as to returns by corporations dissolving.

Subsection (n) That Subsection six (6) of Section three hundred and twenty-six (326) be and the same hereby is amended by striking out the numeral “6” at the beginning thereof and inserting the numeral “5” in lieu thereof, and Subsection seven (7) of said section be and the same hereby is amended by striking out the numeral “7” at the beginning thereof and inserting the numeral “6” in lieu thereof.

Sub-sections (6) and (7), Sec. 326, renumbered.

SEC. 6. Amendments to Sales Tax Article, Article V, Schedule E.

Sales Tax Article amended.

Subsection (a) That Section four hundred and four (404) be and the same hereby is amended by striking out Subsection eight (8) and inserting the following in lieu thereof:

Sec. 404, sub-sec. (8), rewritten.

“Subsection 8. The word ‘sale’ or ‘selling’ shall mean any transfer of title or possession, or both, exchange, or barter of

“Sale” and “selling” defined.



tangible personal property, conditional or otherwise, however effected and by whatever named called, for a consideration paid or to be paid, in installments or otherwise, and shall include any of said transactions whereby title or ownership is ultimately to pass notwithstanding the retention of title or possession, or both, for security or other purposes, and shall further mean and include any bailment, loan, lease, rental or license to use or consume tangible personal property for a consideration paid or to be paid, in installments or otherwise: Provided, the provisions of this subsection shall not apply to the lease or rental of motion picture films used for exhibition purposes and for which a tax of three per cent is paid on the total admissions for such exhibitions."

Not applicable to certain leases of cinema films.

Sec. 406, sub-sec. (g), amended, to exempt Holy Bibles from Sales Tax.

Subsection (b) Amend Subsection (g) of Section four hundred and six (406) by striking out the period after the words "State contract" at the end of said subsection and inserting a comma in lieu of the period and by adding the words: "and Holy Bibles."

Sec. 406, sub-sec. (i), rewritten.

Subsection (c) That Subsection (i) of Section four hundred and six (406) be and the same is hereby amended and supplemented by striking out all of said subsection and inserting in lieu thereof the following:

Exemption of sales of "food and food products for human consumption."

"Subsection (i) Conditional exemptions; Sales by retail merchants of food and food products for human consumption.

The term 'food and food products for human consumption' shall be given its usual and ordinary meaning, but shall not include malt or vinous beverages, soft or carbonated drinks, sodas, or beverages such as are ordinarily sold or dispensed at stores, bars, stands or soda fountains or in connection therewith, candies or confectioneries, medicines, tonics, and preparations in liquid, powdered, granular, tablet, capsule, or pill form sold as dietary supplements; nor does 'food and food products for human consumption' include prepared meals or foods sold or served on or off the premises by restaurants, cafes, cafeterias, hotel dining rooms, drug stores, or other places where prepared meals or foods are sold or served."

Items not included in exemption.

Sec. 406, further amended, exempting sales of certain articles for use by churches.

Subsection (d) That Section four hundred and six (406) is hereby amended by adding a new subsection after the paragraph designated as Subsection (c). Said new subsection to read as follows:

"Subsection (p) Sales of all equipment, furniture and furnishings sold to trustees of churches for use in church and Sunday school buildings."

Sec. 406, further amended, exempting sales of certain farm products to manufacturers.

Subsection (e) That Section four hundred and six (406) is hereby amended by adding a new subsection after Subsection (p) said new subsection to read as follows:

"Subsection (q) Sales of cotton, tobacco, peanuts and other farm products sold to manufacturers for further manufacturing or processing."

Subsection (f) That Subsection (b) of Section four hundred and fourteen (414) shall be amended by striking out the period at the end of said Subsection (b) and inserting a semicolon in lieu thereof and adding the following:

Sec. 414, sub-sec. (b), amended.

"Provided, however, in the absence of fraud, no assessment authorized by this article shall extend to sales made more than three (3) years prior to the date of assessment; and in cases where an audit shall have been made under the direction of the Commissioner of Revenue any assessment in respect to such audit shall be made within one year after the completion of the audit."

Limitations as to assessments under Sales Tax Article.

Subsection (g) That Section four hundred and twenty-one (421) be and the same hereby is amended by striking out all of Subsection (a) thereof.

Sec. 421, sub-sec. (a), repealed.

SEC. 7. Amendments to Article VI, Schedule F. Tax on Beverages.

Beverage Tax Article amended.

Subsection (a) That Subsection (e) of Section five hundred and seventeen (517) be and the same is hereby amended and supplemented by adding the following at the end of said Subsection (e):

Sec. 517, sub-sec. (e), amended.

"The crowns and lids shall be sold by the Commissioner of Revenue at a discount of two per cent (2%) as sole compensation for North Carolina tax-paid crown and lid losses sustained in the process of production of malt beverages. No compensation or refund shall be made for tax-paid malt beverages given as free goods, or advertising, and losses, sustained by spoilage and breakage incident to the sale and distribution of malt beverages."

Sale of crowns and lids at discount as sole compensation for losses.

Subsection (b) That in the last paragraph of Section five hundred and seventeen (517) at the end of line six (6) the word "unlawful," after the words "it shall be," is hereby stricken out and the word "lawful" inserted in lieu thereof.

Sec. 517, last paragraph, amended, correcting error.

SEC. 8. Amendments to the Intangibles Tax Article, Article VIII, Schedule H.

Intangibles Tax Article amended.

Subsection (a) Amend Section seven hundred and three (703) by adding at the end thereof a new paragraph to read as follows:

Sec. 703, amended.

"The term 'accounts payable' as used in this section shall be deemed to include current notes payable of the taxpayer incurred to secure funds which have been actually paid on his current

"Accounts payable" defined.

accounts payable within one hundred and twenty days prior to the date as of which the intangible tax return is made."

Sec. 705, amended. Subsection (b) That Section seven hundred and five (705) be and the same hereby is amended and supplemented by adding a new paragraph at the end thereof, as follows:

Debt incurred in purchase of stock deductible from stock value when stock secures debt.

Proviso.

"Indebtedness incurred directly for the purchase of shares of stock may be deducted from the total value of such shares: Provided, the specific shares of stock so purchased are pledged as collateral to secure said indebtedness; Provided, further, that only so much of said indebtedness may be deducted as is in the same proportion as the taxable value of said shares of stock is to the total value of said shares of stock."

Sec. 706, amended.

Subsection (c) That Section seven hundred and six (706) be and the same hereby is amended and supplemented by striking out all of said section and inserting the following in lieu thereof:

Tax on beneficial interest in foreign trusts.

"SEC. 706. The beneficial or equitable interest on December thirty-first of each year of any resident of this State, or of a nonresident having a business, commercial or taxable situs in this State, in any trust, trust fund or trust account (including custodian accounts) held by a foreign fiduciary, shall be subject to an annual tax, which is hereby levied, of thirty cents (30c) on every one hundred dollars (\$100.00) of the total actual value thereof."

Sec. 707, amended.

Subsection (d) That Section seven hundred and seven (707) be and the same is hereby amended and supplemented by striking out the period at the end of the first paragraph thereof and by substituting a semicolon therefor and by adding the following:

First \$20,000 of funds on deposit with insurance companies, exempt in certain cases.

"Provided, that in the determination of the tax liability under this section the first twenty thousand dollars (\$20,000.00) of such funds on deposit or paid over to and held by a bank as Trustee shall be disregarded where such funds on deposit are payable wholly and exclusively to a widow and/or children of the person deceased whose death created such funds on deposit.

Sec. 708, amended.

Subsection (e) That Section seven hundred and eight (708) be and the same hereby is amended and supplemented by striking out the third paragraph, beginning with the words "Every nonresident" and ending with the words "another state," and inserting the following in lieu thereof:

Residents and non-residents dealing in intangibles in State, held "doing business" in State.

"For the purpose of protecting the revenue of this State and to avoid discrimination and prevent evasion of the tax imposed by this article, every resident or nonresident person, firm, association, trustee or corporation, foreign or domestic, engaged in

this State, either as principal or as agent or representative of or on behalf of another, buying, selling, collecting, discounting, negotiating or otherwise dealing in or handling any of the intangible property defined in this article, shall be deemed to be doing business in this State for the purposes of this article, and the principal, superior or person on whose behalf such business is carried on in this State shall likewise be deemed to be doing business in this State, for the purpose of this article, and where such business is carried on in this State by a corporation, foreign or domestic, it and its parent corporation or the corporation which substantially owns or controls it, by stock ownership or otherwise, shall be deemed to be doing business in this State, for the purpose of this article, and in all such cases the said intangible property acquired in the conduct of such business in this State, and outstanding on December 31 of each year, shall be deemed to have a situs in this State and subject to the tax imposed by this article, notwithstanding any transfer between any of such parties and notwithstanding that the same may be kept or may then be outside of this State, and any of the intangible property defined in this article and acquired in the conduct of any business carried on in this State, and/or having a business, commercial or taxable situs in this State, shall be subject to said tax and returned for taxation by the owner thereof or by the agent, person, or corporation in this State employed by such owner to handle or collect the same."

Intangibles acquired deemed to have situs in State; subject to tax.

Intangibles subject to tax; returned for taxation by owner or agent.

Subsection (f) Amend Section seven hundred and fifteen (715) by striking out the words and figures at the beginning of the third sentence of the first paragraph thereof "forty per cent (40%)" and inserting in lieu thereof the words and figures: "twenty-five per cent (25%)"; and by striking out of said sentence after the comma following the words "system of the State" in line thirteen the following words: "and sixty per cent (60%)" and inserting in lieu thereof the words and figures: "seventy-five per cent (75%)."

Sec. 715, amended, changing proportionate shares of State and local units in revenue under Article VIII.

SEC. 9. Amendment to Use Tax Article, Article IX, Schedule I. Use Tax Article rewritten.

That, effective July first, one thousand nine hundred and forty-one (1941), Article IX, Schedule I, be and the same hereby is stricken out in its entirety and the following inserted in lieu thereof:



“ARTICLE IX  
COMPENSATING USE TAX  
SCHEDULE I”

- Short title. “SEC. 800. Short title.
- “This article shall be known and may be cited as the ‘Compensating Use Tax Article’.
- Definitions. “SEC. 801. Definitions.
- “The following words, terms, and phrases when used in this article have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- “Storage.” “(a) ‘Storage’ means and includes any keeping or retention of possession in this State for any purpose except sale in the regular course of business of tangible personal property purchased from a retailer.
- “Use.” “(b) ‘Use’ means and includes the exercise of any right or power or dominion whatsoever over tangible personal property by a purchaser thereof and includes, but is not limited to, any withdrawal from storage, installation, affixation to real or personal property, exhaustion or consumption of tangible personal property by the owner or purchaser thereof, but shall not include the sale of tangible personal property in the regular course of business.
- “Sale” or “selling.” “(c) The word ‘sale’ or ‘selling’ shall means any transfer of title or possession, or both, exchange, or barter of tangible personal property, conditional or otherwise, however affected and by whatever name called, for a consideration paid or to be paid, in installments or otherwise, and shall include any of said transactions whereby title or ownership is ultimately to pass notwithstanding the retention of title or possession, or both, for security or other purposes, and shall further mean and include any bailment, loan, lease, rental or license to use or consume tangible personal property for a consideration paid or to be paid, in installments or otherwise: Provided, the provisions of this subsection shall not apply to the lease or rental of Motion Picture Films used for exhibition purposes and for which a tax of three per cent is paid on the total admission for such exhibitions.”
- Not applicable to certain leases of cinema films.
- “Purchase.” “(d) ‘Purchase’ means the buying of, giving an order for, or offering to buy tangible personal property as a result of which there occurs a sale or delivery of tangible personal property by a retailer to a person for the purpose of storage, use, or consumption in this state, and includes the procuring of a retailer to erect, install, or apply tangible personal property for use in this State.



“(e) ‘Sales price’ means the total amount for which tangible personal property is sold, including all cost of transportation or delivery to the purchaser, whether paid by the purchaser to the retailer or to the carrier, and any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser by the seller, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service cost, interest charged, losses, or any other expenses whatsoever: Provided, however, that the cost for labor or services rendered in erecting, installing, or applying property sold shall not be included as a part of the sales price: Provided, further, that where a manufacturer, producer or contractor erects, installs, or applies tangible personal property for the account of or under contract with the owner of realty or other property, the sales price shall be the fair market value of such property at the time and place of sale.

Installation labor cost not included.

Sales price when manufacturer erects personal property for owner of realty, etc.

“(f) ‘Person’ means and includes any individual, firm, co-partnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number.

“Person.”

“(g) ‘Retailer’ means and includes every person engaged in the business of making sales of tangible personal property, or peddling the same, or soliciting or taking orders for sales, whether for immediate or future delivery, for storage, use or consumption in this State, and every manufacturer, producer, or contractor engaged in business in this State and selling, delivering, erecting, installing, or applying tangible personal property for use in this State notwithstanding that said property may be permanently affixed to a building or to realty or to other tangible personal property: Provided, however, that when in the opinion of the Commissioner it is necessary for the efficient administration of this article to regard any salesmen, solicitors, representatives, consignees, peddlers, or canvassers as agents of the dealers, distributors, consignors, supervisors, principles or employers under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, consignors, supervisors, principals, or employers, the Commissioner may so regard them and may regard the dealers, distributors, consignors, supervisors, principals, or employers as retailers for purposes of this article.

“Retailer.”

“(h) ‘Commissioner’ means Commissioner of Revenue of the State of North Carolina.

“Commissioner.”

"Tangible personal property."

"(i) 'Tangible personal property' means personal property which may be seen, weighed, measured, felt, touched, or is in any other manner perceptible to the senses, but shall not include electricity, gas or water delivered by or through main lines or pipes either for commercial or domestic use or consumption.

"Engaged in business in this State."

"(j) 'Engaged in business in this State' shall mean the selling or delivering in this State or any activity in this State in connection with the selling or delivering in this State of tangible personal property for storage, use, or consumption in this State, and includes, but is not limited to, any of the following acts or methods of transacting business: Maintaining, occupying or using, permanently or temporarily, directly, indirectly, or through a subsidiary or agent, by whatever name called, any office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business, or, permanently or temporarily, directly or through a subsidiary, having any representative, agent, salesman, canvasser, or solicitor operating in the State in such selling or delivering, and the fact that any corporate retailer, agent, or subsidiary, engaged in business in this State, may not be legally domesticated or qualified to do business in this State, shall be immaterial.

"In this State" or "in the State."

"(k) 'In this State' or 'in the State' means within the exterior limits of the State of North Carolina, and includes all territory within such limits owned by or ceded to the United States of America.

#### "SEC. 802. Taxes levied.

Tax levied on use, storage, consumption of personal property in State.

"An excise tax is hereby levied and imposed on the storage, use, or consumption in this State of tangible personal property purchased from a retailer within or without this State on or after July first, one thousand nine hundred and forty-one, (1941) for storage, use or consumption in this State at the rate of three per cent of the sales price of such property, regardless of whether said retailer is or is not engaged in business in this State.

Credit of retail sales tax paid.

"Where a retail sales tax has already been paid with respect to said property in this State by the purchaser thereof, then the amount of said tax shall be credited upon the tax imposed by this article.

Liability for tax.

"Every person storing, using or otherwise consuming in this State tangible personal property purchased or received from a retailer either within or without this State shall be liable for the tax imposed by this article, and the liability shall not be extinguished until the tax has been paid to this State: Provided, however, that a receipt from a registered retailer

engaged in business in this State given to the purchaser in accordance with the provisions of this article shall be prima facie sufficient to relieve the purchaser from further liability for the tax to which such receipt may refer, and the liability of the purchaser shall be extinguished upon payment of the tax by any retailer from whom he has purchased said property.

“The maximum tax imposed upon any single article of tangible personal property shall be limited as provided in Section four hundred and five of Article V, Schedule E, of this Act. Maximum tax.

“SEC. 803. Exemptions. Exemptions.

“The storage, use or consumption in this State of the following tangible personal property is hereby specifically exempted from the tax imposed by this article:

“(a) Tangible personal property expressly specified and exempted from the retail sales tax imposed by Article V, Schedule E, of this Act. Tangible personal property exempted from Sales Tax.

“(b) Tangible personal property, the sale of which is classified as a wholesale sale under the provisions of Article V, Schedule E, of this Act. Property sold at wholesale.

“(c) Tangible personal property, the storage, use or consumption of which is exempt from taxation under the Constitution of North Carolina and the Constitution of the United States. Property having tax exemption under constitution.

“(d) Motor fuels defined and taxed in Article Three A of Chapter fifty-five, Volume three, Consolidated Statutes of North Carolina, as now or hereafter amended or supplemented, and upon which the said Gasoline Tax has been paid. Motor fuels upon which gasoline tax has been paid.

“(e) Tangible personal property purchased or acquired prior to coming into this State and brought into this State by a person a nonresident thereof for his, her, its or their own use or enjoyment while temporarily in this State. Property brought in State by non-resident for temporary personal use.

“SEC. 804. Registration.

“Every retailer, engaged in business in this State, except those registered under Article V, Schedule E, of this Act, who shall thereby be deemed to be registered under this Article, selling or delivering tangible personal property for storage, use or consumption in this State shall within thirty days after the effective date of this Article register with the Commissioner and give the name and address of all agents operating in this State and the counties in this State in which they operate, the location of any and all distribution or sales houses or offices or other places of business in this State, the number, location and place of use of all motor vehicles, motorcycles, or other vehicles Registration of retailers subject to Act.

Information furnished Commissioner.

or conveyances, used or operated in this State by said retailer or in the business of said retailer, or for or under the authority of or under contract with or license from said retailer, and such other information as the Commissioner may require.

“SEC. 805. Retailer to Collect Tax from Purchaser.

Collection of tax by retailer from purchaser.

Debt of purchaser recoverable at law.

Tax stated and charged separately.

Retailer liable for collection.

Intent to pass tax on to purchaser.

Offer by public advertisement to absorb tax made misdemeanor.

Violations reported to Attorney General.

Notification of Solicitors.

Prosecution of violations.

Tax collected although contract of sale be closed outside of State and goods shipped interstate.

“Every retailer engaged in the business of selling, or delivering tangible personal property for storage, use, or consumption in this State shall at the time of selling or delivering said tangible personal property or collecting the sales price thereof, add to the sales price of such tangible personal property the amount of the tax on the sale thereof, and when so added said tax shall constitute a part of such price, shall be a debt from the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as other debts. Said tax shall be stated and charged separately from the sales price and shown separately on the retailer’s sales records, and shall be paid by the purchaser to the retailer as trustee for and on account of the State, and the retailer shall be liable for the collection thereof and for its payment to the Commissioner, and the retailer’s failure to charge to or collect said tax from the purchaser shall not affect such liability. It is the purpose and intent of this article that the tax herein levied and imposed shall be added to the sales price of tangible personal property when sold at retail and thereby be borne and passed on to the purchaser instead of being absorbed by the retailer.

“Any retailer who shall by any character of public advertisement offer to absorb the tax levied in this article, or in any manner, directly or indirectly, advertise that the tax herein imposed is not considered as an element in the price to the purchaser, shall be guilty of a misdemeanor. Any violations of the provisions of this section reported to the Commissioner of Revenue shall be reported by him to the Attorney General of the State to the end that such violations may be brought to the attention of the solicitor of the court of the county or district whose duty it is to prosecute misdemeanors in the jurisdiction. It shall be the duty of such solicitor to investigate such alleged violations and if he finds that this section has been violated, prosecute such violators in accordance with the law.

“Every retailer engaged in business in this State, as defined in this article, shall collect said tax notwithstanding (a) that the purchaser’s order or contract of sale is made or closed by acceptance or approval outside of this State and/or before said tangible personal property enters this State, or (b) that said order or contract provides that said property shall be, or it is in fact, procured or manufactured at a point outside of this State and shipped directly to the purchaser from the point of origin, or (c) that said property is mailed to the purchaser in



this State from a point outside this State or delivered to a carrier at a point outside this State, F. O. B. or otherwise, and directed to the purchaser in this State, regardless of whether the cost of transportation is paid by the retailer or by the purchaser, or (d) that said property is delivered directly to the purchaser at a point outside this State, if it is intended to be brought to this State for storage, use, or consumption in this State, provided that in the event of direct delivery to the purchaser at a point outside of this State the tax imposed by this article shall be credited with any retail sales tax lawfully imposed and paid with respect to said property in the State where such delivery occurred.

Tax collected when article intended for use in State delivered outside.

Credit of tax paid to State in which delivery occurred.

**"SEC. 806. Taxes Payable When Returns Are to be Filed by Retailer.**

"The tax imposed by this article shall be due and payable to the Commissioner monthly on or before the fifteenth day of the month next succeeding the month in which the tax accrues. Every retailer engaged in business in this State shall, on or before the fifteenth day of the month following the month in which the tax accrues, file with the Commissioner a return for the preceding month, in such form as may be prescribed by the Commissioner, showing the total sales price of the tangible personal property sold and/or delivered by the retailer during such preceding month, the storage, use or consumption of which is subject to the tax imposed by this article, and such other information as the Commissioner may deem necessary for the proper administration of this article. The return shall be accompanied by a remittance of the amount of tax herein required to be paid by the retailer during the month covered by the return. Returns shall be signed by the retailer or his duly authorized agent but need not be verified by oath.

Tax payable monthly.

Monthly returns by retailers.

Contents.

Tax remitted with returns.

Returns signed.

**"SEC. 807. Taxes Payable; When Returns Are to be Filed by Purchaser.**

"The Commissioner of Revenue shall have authority to acquire every person storing, using or consuming tangible personal property in this State to file with the Commissioner a return for the preceding month in such form as may be prescribed by him showing the total sales price of the tangible personal property purchased or received by such person during such preceding month, the storage, use or consumption of which is subject to the tax imposed by this article, and such other information as the Commissioner may deem necessary for the proper administration of this article. The return shall be accompanied by a remittance of the amount of tax herein imposed during the month covered by the return. Returns shall be signed by the person liable for the tax or his duly authorized agent but need not be verified by oath.

Returns by Purchasers.

Contents.

Remittance of tax.

Returns signed.



No return required of purchaser who has paid tax to registered dealer.

"No return or report shall be required under this section, however, of any person storing, using or consuming tangible personal property purchased from a registered retailer engaged in business in this State to whom said person has paid the tax imposed by this article.

"SEC. 808. Sales Presumed to be for Storage, Use or Consumption.

Sales presumed to be for storage, use or consumption.

"For the purpose of the proper administration of this article and to prevent evasion of the tax and the duty to pay the same herein imposed, it shall be prima facie presumed that tangible personal property sold by any person for delivery in this State, however made and by carrier or otherwise, is sold for storage, use or other consumption in this State, and a like presumption shall apply to tangible personal property delivered without this State and brought to this State by the purchaser thereof.

"SEC. 809. Provisions of Article V, Schedule E, and Article X, Schedule J, of Revenue Act applicable.

Application of Art. V, Schedule E, and Art. X, Schedule J, Revenue Act, 1939, as amended.

"All provisions not inconsistent with this article in Article V, Schedule E, and Article X, Schedule J, of the Revenue Act of one thousand nine hundred and thirty-nine (1939), Chapter one hundred and fifty-eight (158), Public Laws of one thousand nine hundred and thirty-nine (1939), as now or hereafter amended, relating to administration, auditing, and making returns, promulgation of rules and regulations by the Commissioner, imposition and collection of tax and the lien thereof, assessments, refunds, and penalties, are hereby made a part of this article and shall be applicable hereto.

"SEC. 810. Failure to Register and file Returns Misdemeanor.

Failure to register and file returns made misdemeanor.

"Any retailer failing or refusing to register and give the information required in this article, and any retailer or other person failing or refusing to make any return required to be made under this article, or failing or refusing to make a supplemental return or to furnish other data or information required by the Commissioner, or rendering a false or fraudulent return, shall be guilty of a misdemeanor and subject to a fine of not exceeding five hundred dollars (\$500.00) for each such offense.

Punishment.

Making false and fraudulent returns made misdemeanor.

"Any person required by this article to make, render or sign any return or report or to furnish other data or information, who makes any false or fraudulent return or report, or who furnishes any false data or information, with intent to defeat or evade the assessment or determination of any tax due under this article, shall be guilty of a misdemeanor, and shall for each such offense be fined not less than three hundred dollars (\$300.00) and not more than five thousand (\$5,000.00) or be imprisoned not exceeding one year in the county jail or be

Punishment.

subject to both said fine and imprisonment in the discretion of the court.

“Any wilful violation of the provisions of this article, except as otherwise herein provided, shall be a misdemeanor and punishable as such.” Wilful violation of Article made misdemeanor.

“SEC. 811. Continuance of Existing Article.

“The Compensation Use Tax Article of 1939, Article IX, Schedule I, of the Revenue Act of 1939, the same being Chapter 158 of the Public Laws of one thousand nine hundred and thirty-nine (1939), shall be and continue in full force and effect with respect to all acts and transactions done or occurring prior to July first, one thousand nine hundred and forty-one (1941), or which ought to be affected by its terms and provisions, and with respect to all liabilities, criminal as well as civil, incurred, or which ought to have been incurred with respect to said acts and transactions done or occurring prior to July first, one thousand nine hundred and forty-one (1941).” Continuance of Compensation use Tax Article of 1939.

“SEC. 812. Unconstitutionality or Invalidity.

“If any section, subsection, clause, sentence or phrase of this article which is reasonably separable from the remaining portions of this article, or the application thereof in any particular case or to any particular person, is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this article or their application in other cases or to other persons not similarly affected. The Legislature hereby declares that it would have passed the remaining portions of this article irrespective of the fact that any such section, subsection, clause, sentence or phrase of this article, or the said application thereof, be declared unconstitutional.” Partial invalidity section.

Legislative intent.

“SEC. 813. Effective date.

“This Article shall be effective on and after July first, one thousand nine hundred and forty-one (1941).” Effective date of Article.

SEC. 10. Amendments to the General Administration Article, Article X, Schedule J. General Administration Article, amended.

Subsection (a) That Section nine hundred and thirteen (913) be and the same hereby is amended by inserting at the beginning of the first paragraph thereof the numeral “1.” Sec. 913, amended.

Subsection (b) That Section nine hundred and thirteen (913) be and the same hereby is further amended and supplemented by adding a new subsection at the end of the first paragraph thereof, as follows: Sec. 913, further amended.

“2. Bank deposits, rents, salaries, wages, and all other choses in action or property incapable of manual levy or delivery, Attachment and garnishment of intangibles.

Liability of  
garnishee.

Notice served  
upon taxpayer  
and garnishee.

Contents of  
notice.

Procedure.

Duty of garnishee  
in case of no  
defense or set-off.

Duty of garnishee  
in case of de-  
fense or set-off.

Duty of Revenue  
Commissioner  
when defense or  
set-off is admit-  
ted.

Duty of Revenue  
Commissioner  
when defense or  
set-off is denied.

hereinafter called the intangible, belonging, owing, or to become due to any taxpayer subject to any of the provisions of this Act, or which has been transferred by such taxpayer under circumstances which would permit it to be levied upon if it were tangible, shall be subject to attachment or garnishment as herein provided, and the person owing said intangible, matured or unmatured, or having same in his possession or control, hereinafter called the garnishee, shall become liable for all sums due by the taxpayer under this Act to the extent of the amount of the intangible belonging, owing, or to become due to the taxpayer subject to the set-off of any matured or unmatured indebtedness of the taxpayer to the garnishee. To effect such attachment or garnishment the Commissioner of Revenue shall serve or cause to be served upon the taxpayer and the garnishee a notice as hereinafter provided, which notice may be served by any deputy or employee of the Commissioner of Revenue or by any officer having authority to serve summonses. Said notice shall show:

“(1) The name of the taxpayer and his address, if known:

“(2) The nature and amount of the tax, and the interest and penalties thereon, and the year or years for which the same were levied or assessed, and

“(3) Shall be accompanied by a copy of this subsection, and thereupon the procedure shall be as follows:

“If the garnishee has no defense to offer or no set-off against the taxpayer, he shall, within ten days after service of said notice, answer the same by sending to the Commissioner of Revenue by registered mail a statement to that effect, and if the amount due or belonging to the taxpayer is then due or subject to his demand, it shall be remitted to the Commissioner with said statement, but if said amount is to mature in the future, the statement shall set forth that fact and the same shall be paid to the Commissioner upon maturity, and any payment by the garnishee hereunder shall be a complete extinguishment of any liability therefor on his part to the taxpayer. If the garnishee has any defense or set-off, he shall state the same in writing under oath, and, within ten days after service of said notice, shall send two copies of said statement to the Commissioner by registered mail; if the Commissioner admits such defense or set off, he shall so advise the garnishee in writing within ten days after receipt of such statement and the attachment or garnishment shall thereupon be discharged to the amount required by such defense or set-off, and any amount attached or garnished hereunder which is not affected by such defense or set-off shall be remitted to the Commissioner as above provided in cases where the garnishee has no defense or set-off, and with like effect. If the Commissioner shall not admit the

defense or set-off, he shall set forth in writing his objections thereto and shall send a copy thereof to the garnishee within ten days after receipt of the garnishee's statement, or within such further time as may be agreed on by the garnishee, and at the same time he shall file a copy of said notice, a copy of the garnishee's statement, and a copy of his objections thereto in the Superior Court of the County where the garnishee resides or does business where the issues made shall be tried as in civil actions.

Issues tried in Superior Court.

"If judgment is entered in favor of the Commissioner of Revenue by default or after hearing, the garnishee shall become liable for the taxes, interest and penalties due by the taxpayer to the extent of the amount over and above any defense or set-off of the garnishee belonging, owing, or to become due to the taxpayer, but payments shall not be required from amounts which are to become due to the taxpayer until the maturity thereof, nor shall more than ten per cent of any taxpayer's salary or wages be required to be paid hereunder in any one month. The garnishee may satisfy said judgment upon paying said amount, and if he fails to do so, execution may issue as provided by law. From any judgment or order entered upon such hearing either the Commissioner of Revenue or the garnishee may appeal as provided by law. If, before or after judgment, adequate security is filed for the payment of said taxes, interest, penalties, and costs, the attachment or garnishment may be released or execution stayed pending appeal, but the final judgment shall be paid or enforced as above provided. The taxpayer's sole remedies to question his liability for said taxes, interest, and penalties shall be those provided in the Revenue Act of Nineteen Hundred Thirty-nine (1939), as now or hereafter amended or supplemented. If any third person claims any intangible attached or garnished hereunder and his lawful right thereto, or to any part thereof, is shown to the Commissioner, he shall discharge the attachment or garnishment to the extent necessary to protect such right, and if such right is asserted after the filing of said copies as aforesaid, it may be established by interpleader as now or hereafter provided by the Consolidated Statutes in cases of attachment and garnishment. In case such third party has no notice of proceedings hereunder, he shall have the right to file his petition under oath with the Commissioner at any time within twelve months after said intangible is paid to him and if the Commissioner finds that such party is lawfully entitled thereto or to any part thereof, he shall pay the same to such party as provided for refunds by Chapter Ninety-six of the Public Laws of the Extra Session of Nineteen Hundred and Twenty-one and if such payment is denied, said party may appeal from the determination of the Commissioner to the Superior Court of Wake County or to the Superior Court of the County wherein he resides or does

Liability of garnishee for taxes.

Collection of judgment.

Appeals.

Execution stayed; attachment or garnishment released.

Remedies of taxpayer.

Rights and remedies of third persons.

Petition by third parties without notice of proceedings, filed within twelve months.

Refunds to third parties.

Appeal from denial of claim.



business and the provisions of Section 341 of this Act shall apply on such appeal. The intangibles of a taxpayer shall be paid or collected hereunder only to the extent necessary to satisfy said taxes, interest, penalties, and costs. Except as hereinafter set forth, the remedy provided in this Section shall not be resorted to unless a warrant for collection or execution against the taxpayer has been returned unsatisfied: Provided, however, if the Commissioner is of opinion that the only effective remedy is that herein provided, it shall not be necessary that a warrant for collection or execution shall be first returned unsatisfied, and in no case shall it be a defense to the remedy herein provided that a warrant for collection or execution has not been first returned unsatisfied: Provided, however, that no salary or wage at the rate of less than two hundred dollars (\$200.00) per month, whether paid weekly or monthly, shall be attached or garnished under the provisions of this section."

When garnishment or attachment resorted to.

Certain salaries and wages exempt from garnishment.

Sec. 913, further amended.

Subsection (c) That Section nine hundred and thirteen (913) be and the same hereby is further amended by adding at the beginning of the next to the last paragraph thereof the numeral "3", and by adding at the beginning of the last paragraph the numeral "4".

Sec. 923, amended.

Subsection (d) That Section nine hundred and twenty-three (923) be and the same hereby is amended and supplemented by adding a new paragraph at the end thereof, as follows:

Dissolution of withdrawal of corporation delayed until taxes paid.

"The Secretary of State shall withhold the issuance of any certificate of dissolution to, or withdrawal of, any corporation, domestic or foreign, until the receipt by him of a notice from the Commissioner of Revenue to the effect that any such corporation has met the requirements with respect to reports and taxes required by this Act."

Sec. 937, amended.

Subsection (e) That Section nine hundred and thirty-seven (937) be and the same is hereby amended by adding the following at the end thereof:

Demand for refund within three years from overpayment.

"Provided, further, that demand for such refund is made by the taxpayer within three years from the date of such overpayment."

SEC. 11. Retrospective Continuation of Existing Laws Repealed by this Act.

Retrospective continuation of existing laws repealed by this Act.

That notwithstanding any express repeal contained in this Act or any repeal implied from its terms and provisions, those parts of the existing revenue laws of the State herein expressly or impliedly repealed shall be and continue in full force and effect with respect to all acts and transactions done or occurring prior to July first, one thousand nine hundred and forty-one (1941), affected or which ought to be affected by their terms



and provisions, and with respect to all liabilities, criminal as well as civil, incurred or which ought to have been incurred with respect to said acts and transactions done or occurring prior to July first, one thousand nine hundred and forty-one (1941).

#### SEC. 12. Effective date.

That except as otherwise expressly provided herein, this Act shall take effect on and after July first, one thousand nine hundred and forty-one (1941).

Effective date  
of Act.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

H. B. 64

### CHAPTER 51

#### AN ACT TO PROVIDE FOR SPECIAL JUDGES IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Governor of North Carolina may appoint four persons who shall possess the requirements and qualifications of special judges as prescribed by Article four, Section eleven of the Constitution, and who shall take the same oath of office and otherwise be subject to the same requirements and disabilities as are or may be prescribed by law for judges of the Superior Court, save the requirements of residence in a particular district, to be special Judges of the Superior Courts of the State of North Carolina. Two of the said judges shall be appointed from the Western Judicial Division and two from the Eastern Judicial Division, as now established. The Governor shall issue a commission to each of said judges so appointed for a term to begin July first, one thousand nine hundred and forty-one, and to end June thirtieth, one thousand nine hundred and forty-three, and the said commission shall constitute his authority to perform the duties of the office of a special judge of the Superior Courts during the time named herein.

Appointment of  
four Special  
Judges of  
Superior Court.

Two from each  
Judicial Division.

Terms of  
office.

SEC. 2. That each special judge shall be appointed by the Governor on or before July first, one thousand nine hundred and forty-one, and shall be subject to removal from office for the same causes and in the same manner as regular judges of the Superior Court; and vacancies occurring in the offices created by this Act shall be filled by the Governor in like manner for the unexpired term thereof.

Time of  
appointment.

Removal.

Vacancy  
appointments.

SEC. 3. That the Governor is further authorized and empowered, if in his judgment the necessity exists therefor, to appoint at such time as he may determine, not exceeding four additional judges, two of whom shall be residents of the Eastern Judicial Division and two of whom shall be residents of the

Appointment of  
four additional  
judges, if needed.

Two from each  
Judicial Division.

- Terms of office.** Western Judicial Division, whose term of office shall begin from his or their appointment and qualification and end June thirtieth, one thousand nine hundred and forty-three. That all the provisions of this Act applicable to the four special judges shall be applicable to the four special judges authorized to be appointed under this section.
- Application of other provisions of Act.**
- Authority of appointments extended to regular and special terms.** SEC. 4. That the authority herein conferred upon the Governor, pursuant to Article four, Section eleven, of the Constitution of North Carolina, to appoint such special judges shall extend to regular as well as special terms of the Superior Court, with either civil or criminal jurisdiction, or both, as may be designated by the statutes or by the Governor pursuant to law.
- Jurisdiction and powers of special judges.** SEC. 5. To the end that such special judges shall have the fullest power and authority sanctioned by Article four, Section eleven, of the Constitution of North Carolina, such judges are hereby vested, in the courts which they are duly appointed to hold, with the same power and authority in all matters whatsoever that regular judges holding the same courts would have. A special judge duly assigned to hold the court of a particular county shall have during said term of court, in open court and in chambers, the same power and authority of a regular judge in all matters whatsoever arising in that judicial district that could properly be heard or determined by a regular judge holding the same term of court.
- Salary and traveling expenses.** SEC. 6. That the special judges so appointed shall receive the same salary and traveling expenses as now are, or may hereafter be, paid or allowed to judges of the Superior Court for holding their regularly assigned courts, and they shall hold all such regular and special terms of court as they may be directed and assigned by the Governor to hold, without additional compensation: Provided, that no person appointed under this Act shall engage in the private practice of law.
- Practice of law prohibited.**
- Settling cases on appeal after expiration of commission.** SEC. 7. That nothing herein shall be construed to prohibit such special judges from settling cases on appeal and making all proper orders in regard thereto after the time for which they were commissioned has expired.
- Construction of Act.** SEC. 8. That all laws and clauses of laws which may be in conflict with this Act, to the extent of such conflict, are hereby repealed: Provided, that nothing herein shall in any manner affect Sections one thousand four hundred and thirty-five (a) and three thousand eight hundred and eighty-four (a) of Volume three of the Consolidated Statutes, as amended.
- SEC. 9. That this Act shall be in full force and effect from and after its ratification.
- In the General Assembly read three times and ratified, this the 28th day of February, 1941.

H. B. 97

## CHAPTER 52

AN ACT TO AMEND THE LAWS RELATING TO THE SPECIAL OR EMERGENCY JUDGES PROVIDED FOR BY SECTION ONE THOUSAND FOUR HUNDRED AND THIRTY-FIVE (a) OF VOLUME THREE OF THE CONSOLIDATED STATUTES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one thousand four hundred and thirty-five (a) of Volume Three of the Consolidated Statutes be amended by striking out in line two thereof the words "special or."

C.S. 1435(a),  
amended.

SEC. 2. That Section one thousand four hundred and thirty-five (b) of Volume Three of the Consolidated Statutes, as amended by Chapter eight of the Public Laws of one thousand nine hundred and twenty-five, be further amended by rewriting as follows:

C.S. 1435(b),  
amended.

"1435(b).—To the end that emergency judges provided for in the preceding section shall have the fullest power and authority sanctioned by Article Four (IV), Section Eleven (11), of the Constitution of North Carolina, such judges are hereby vested, in the courts which they are duly appointed to hold, with the same power and authority in all matters whatsoever that regular judges holding the same courts would have. An emergency judge duly assigned to hold the court of a particular county shall have, during said term of court, in open court and in chambers, the power and authority of a regular judge in all matters whatsoever arising in that judicial district that could properly be heard or determined by a regular judge holding the same term of court."

Jurisdiction and  
powers of emer-  
gency judges.

SEC. 3. That Section seven hundred and sixty-six (b) of Volume Three of the Consolidated Statutes be repealed.

C.S. 766(b),  
repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

## H. B. 136

## CHAPTER 53

AN ACT TO AUTHORIZE SEARCH WARRANTS FOR  
GAMBLING AND LOTTERY DEVICES, AMENDING CON-  
SOLIDATED STATUTES OF ONE THOUSAND NINE  
HUNDRED AND NINETEEN, SECTION FOUR THOU-  
SAND FIVE HUNDRED AND TWENTY-NINE.

*The General Assembly of North Carolina do enact:*

C.S. 4529,  
amended,  
authorizing  
search warrants  
for gambling and  
lottery devices.

SECTION 1. That Consolidated Statutes of one thousand nine hundred and nineteen, Section four thousand five hundred and twenty-nine, be, and the same hereby is, amended by adding after the comma following the words "any property stolen" and before the words "or any false or counterfeit coin" in line five, the following: "or any and all personal property and all tickets, books, papers and documents used in connection with and operation of lotteries or any gaming or gambling,".

C.S. 4529, further  
amended, same  
purpose.

SEC. 2. That Section four thousand five hundred and twenty-nine of the Consolidated Statutes of one thousand nine hundred and nineteen be further amended by adding after the comma following the words "such stolen property" and before the words "counterfeit coin" in line seventeen, the following: "or any and all personal property and all tickets, books, papers and documents used in connection with and operation of lotteries or any gaming or gambling,".

Conflicting laws  
repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

## H. B. 161

## CHAPTER 54

AN ACT AUTHORIZING THE PURCHASE OF UNIFORMS  
FOR HOME GUARD UNITS NOW OR ABOUT TO BE  
ESTABLISHED IN THIS STATE.

Preamble:  
National Guard  
in Federal  
service.

WHEREAS, the National Guard of the State of North Carolina has been inducted into the Federal service; and

No available N.  
G. Units in  
State.

WHEREAS, there are now no available National Guard Units in this State to serve the purposes for which the National Guard was originally organized; and

Need for  
Home Guard.

WHEREAS, it is considered necessary and expedient at this time to organize the Militia of this State into units to serve as a Home Guard during the present emergency; and

WHEREAS, pursuant to an Act of Congress authorizing the same, and under authority of the Governor of North Carolina, the Commander in Chief of the Militia of the State, there is now in the process of organization, pursuant to the Act of Congress authorizing the same as aforesaid, units of fifty men each, comprising a total of two thousand and six men; and

Home Guard  
Units being  
organized.

WHEREAS, the units of the Home Guard are located at strategic points selected by the Adjutant General of the State and his staff, with the approval of the Governor of North Carolina, as Commander in Chief of the Militia as aforesaid; and

Units located  
at strategic  
points.

WHEREAS, the personnel selected for service in the Home Guard as aforesaid are to serve without any compensation whatsoever; and

Service without  
compensation.

WHEREAS, the War Department, by memorandum order, has advised that there are no uniforms available for issue or for sale by the War Department for the purpose of uniforming members of the various Home Guard units; and

No uniforms  
available from  
War Department.

WHEREAS, it is considered necessary and important that the personnel of the Home Guard be equipped with uniforms to be worn by them while on active duty; and

Uniforms  
needed.

WHEREAS, in view of the fact that the personnel of the Home Guard as aforesaid have volunteered their services free of charge, it is considered entirely fitting and proper that the State of North Carolina furnish and equip the personnel of the Home Guard with suitable uniforms to be worn by them while on duty: Now, therefore,

Proper for State  
to furnish uni-  
forms.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purposes stated in the preamble of this Act, there is hereby appropriated from the General Fund of this State the sum of thirty thousand dollars (\$30,000.00), to be expended for the purchase of suitable uniforms to be furnished to the personnel of the Home Guard of this State free of charge, to be worn by them while on active duty in the service of the Home Guard: Provided, that the funds herein provided, and any part thereof, shall be expended only upon the finding by the Governor that said funds, or any part thereof, are needed for the purposes herein expressed.

Funds appro-  
priated for pur-  
chase of Home  
Guard uniforms.

Expenditure only  
on Governor's  
finding of ne-  
cessity.

SEC. 2. That the uniforms provided for in this Act shall be purchased, if practical, through the Division of Purchase and Contract upon the requisition of the Adjutant General of the State of North Carolina.

Purchase of  
uniforms.

SEC. 3. That the appropriation provided for in this Act shall, within the discretion of the Governor and Council of State, be made immediately available from the Contingency and Emergency Fund.

Immediate avail-  
ability of funds.



Selection of uniforms.

SEC. 4. That the Adjutant General, with the approval of the Governor, shall be charged with the responsibility for the selection of the uniforms so purchased as to grade, quality, color, texture, and design, and his decision shall be final and determinative in this regard.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

H. B. 270

## CHAPTER 55

AN ACT TO PROVIDE FOR THE PAYMENT OF A PENSION FOR THE YEAR ONE THOUSAND NINE HUNDRED AND FORTY TO NOAH MONROE BROCK, A CONFEDERATE VETERAN FROM DAVIE COUNTY AND TO PLACE THE SAID NOAH MONROE BROCK ON THE STATE PENSION ROLL.

Noah Monroe Brock, Confederate Veteran, wounded in battle.

WHEREAS, Noah Monroe Brock, a Confederate Veteran, enlisted from Davie County and was a member of Company "B," Thirteenth Battalion of Cavalry, North Carolina State Troops with rank of Lieutenant, and was wounded at the Battle of Fredericksburg; and

Veteran without means of support.

WHEREAS, the said Noah Monroe Brock is now one hundred and four years of age and is in need through failure of his crop from drought and has no means of support; Now, therefore,

*The General Assembly of North Carolina do enact:*

Pension warrant authorized for Noah Monroe Brock.

SECTION 1. That the State Auditor is hereby authorized and directed to issue and the State Treasurer to pay to the said Noah Monroe Brock, a pension warrant in the sum of three hundred and sixty-five dollars (\$365.00) for the year one thousand nine hundred and forty.

Noah Monroe Brock placed on Pension Roll.

SEC. 2. That the said Noah Monroe Brock, a Confederate Veteran, be, and he is hereby placed on the pension roll of the State to receive the pension now allowed Confederate Veterans.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

H. B. 294

## CHAPTER 56

AN ACT TO AMEND CHAPTER SIX, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AND CHAPTER TWO HUNDRED AND THIRTY-THREE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AS TO INVESTMENT OF THE FUNDS OF THE LAW ENFORCEMENT OFFICERS BENEFIT FUND AND AS TO THE OFFICERS INCLUDED THEREIN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter six of the Public Laws of one thousand nine hundred and thirty-nine, Section three, Subsection (g) thereof, be amended by adding at the end of said Subsection (g) the following:

Sec. 3, sub-sec. (g), Ch. 6, Public Laws, 1939, amended.

“And the Board shall have the authority to invest any funds not immediately needed in any securities which the State Sinking Fund Commission may be authorized to invest in, or in certificates of deposit in any bank or trust company authorized to do business in North Carolina in which the deposits are guaranteed by the Federal Deposit Insurance Corporation not to exceed the sum of five thousand (\$5,000.00) dollars in any one bank or trust company, or in the shares of federal savings and loan associations and State chartered building and loan associations not to exceed five thousand (\$5,000.00) dollars in any one of such associations; provided that no such funds may be so invested in a State chartered building and loan association unless and until authorized by the Insurance Commissioner.”

Investment of funds by Law Enforcement Officers' Benefit etc. Fund Board.

SEC. 2. That Chapter two hundred and thirty-three of the Public Laws of one thousand nine hundred and thirty-nine is hereby repealed and reenacted as set forth in Section one hereof.

Ch. 233, Public Laws, 1939, repealed.

SEC. 3. That Section three, Subsection (m), of said Chapter six of the Public Laws of one thousand nine hundred and thirty-nine, be amended by striking out the period at the end of said subsection and adding thereto the following: “and whose duties are primarily in enforcing the criminal laws of the State.”

Sec. 3, sub-sec. (m), Ch. 6, Public Laws, 1939, amended, as to definition of “Law Enforcement Officer.”

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

H. B. 306

## CHAPTER 57

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN WITH RESPECT TO THE TERMS AND DUTIES OF MEMBERS OF THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION.

*The General Assembly of North Carolina do enact:*

Sec. 2, Ch. 172,  
Public Laws,  
1933, amended.

SECTION 1. Amend Section two of Chapter one hundred and seventy-two of the Public Laws of one thousand nine hundred and thirty-three as amended by Chapter two hundred and ninety-seven of the Public Laws of one thousand nine hundred and thirty-seven by striking out all of said section beginning with the word "The" in line four of said section down to and including the word "qualify" in line eleven of said section, and inserting in lieu thereof the following: "The said commission shall consist of a chairman and ten commissioners; the chairman and each of said commissioners shall be appointed by the Governor for a term of four years, the said terms to commence May first, one thousand nine hundred and forty-one, and continue until their successors are appointed and qualify:".

Appointment and  
terms of mem-  
bers, State High-  
way and Public  
Works Com-  
mission.

Section 2, amend-  
ed further, as to  
appointment and  
terms of suc-  
cessors.

Amend said section further by striking out all of said section beginning with the word "At" in line seventeen and ending with the word "each" in line nineteen, and inserting in lieu thereof the following: "At the expiration of the term for which said chairman and commissioners are appointed, their successors shall be appointed for the term of four years each."

Section 2, amend-  
ed as to authority  
of Chairman be-  
tween sessions.

Amend said section further by striking out in line twenty-five and line twenty-six the following phrase: "except as may be otherwise provided by the commission,".

Section 2,  
amended  
further.

Amend said Section two further by striking out the following sentence: "It is the intent and purpose of this Act that said commissioner shall keep himself informed as to the road needs of his particular division and present to the commission from time to time the road needs of said division, but that each of said commissioners shall likewise be a representative of the State at large, and the said commission, in determining all matters and policies, shall act as a body and not individually.", and inserting in lieu thereof the following: "Notwithstanding the provisions contained herein for the selection of commissioners in such manner as to make it physically possible to divide the State into ten divisions, it is the intent and purpose of this Act that all of said commission and the chairman shall represent the State at large and not be representative of any particular division. It shall be the duty of the commission as a whole to select the road projects to be constructed or reconstructed which now or shall constitute a part of the primary

State-wide pur-  
pose of Com-  
mission declared.

highway system of the State. The intent and purpose of this Act is that there shall be maintained and developed a State-wide highway system commensurate with the needs of the State as a whole and not to sacrifice the general State-wide interest to the purely local desires of any division.

"It shall be the duty of each commissioner to inform himself of the road needs of the particular division from which said commissioner is chosen and to report his findings from time to time to the commission. The commission shall formulate general policies and make such rules and regulations as it may deem necessary, governing the construction, repair and maintenance of the highway system of the State, with due regard to farm to market roads and school bus routes."

Duty of individual Commissioners.

Formulation of general policies.

SEC. 2. That the terms of the present chairman and members of the State Highway and Public Works Commission shall terminate May first, one thousand nine hundred and forty-one.

Expiration of terms of present members.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

S. B. 151

## CHAPTER 58

AN ACT TO AMEND SECTION ONE THOUSAND FOUR HUNDRED AND FORTY-THREE OF VOLUME THREE OF THE CONSOLIDATED STATUTES RELATING TO THE HEARING OF CERTAIN CASES AT CRIMINAL TERMS OF THE SUPERIOR COURT OF ROCKINGHAM COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one thousand four hundred and forty-three of Volume three of the Consolidated Statutes, as amended, be and the same is hereby further amended by adding at the end of the paragraph relating to Rockingham County under the twenty-first district the following proviso:

C.S. 1443, amended.

"Provided, that at any criminal term, either regular or special, of the Superior Court to be held for Rockingham County, all motions in any civil actions pending before said court, and all uncontested divorce cases pending before said court, may be heard and tried by the court, and

Civil motions, uncontested divorces, at criminal terms, Rockingham County.

Provided further, that all other civil actions and civil matters may, with the consent of the parties and the approval of the

Trial of civil cases at criminal terms.

court, be heard and tried at any criminal term, either regular or special, of the Superior Court of Rockingham County. However, no contested civil cases shall be tried until after the criminal docket for the term has been disposed of."

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1941.

## H. B. 22

## CHAPTER 59

### AN ACT TO CLARIFY THE EXEMPTION FROM SUPERVISION OF MUNICIPALLY OWNED AND OPERATED PUBLIC UTILITIES.

*The General Assembly of North Carolina do enact:*

Ch. 134, Public  
Laws, 1933,  
amended.

Municipally own-  
ed utilities  
leased to private  
concerns not ex-  
empt from State  
regulation.

SECTION 1. That Subsection three of Section three of Chapter one hundred and thirty-four of the Public Laws of one thousand nine hundred and thirty-three be and the same is hereby amended by adding at the end of said subsection the following: "Provided, that the exemption given to municipally owned or conducted electric light, power, water, and gas companies from supervision by the Utilities Commissioner shall not apply to municipally owned electric light or power systems which are leased to and operated by private individuals, firms, or corporations."

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act be hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1941.



H. B. 47

## CHAPTER 60

AN ACT TO PROVIDE FOR THE ELECTION OF THE JUDGE AND SOLICITOR OF THE RICHMOND COUNTY SPECIAL COUNTY COURT, TO FIX THE SALARIES OF SUCH OFFICERS, AND TO PROVIDE A CLERK FOR SAID COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the provisions of Chapter two hundred and seventy-seven, Public Laws of one thousand nine hundred and nineteen, Chapter one hundred and ten, Public Laws of one thousand nine hundred and twenty-one, Chapter two hundred and sixteen, Public Laws of one thousand nine hundred and twenty-three, and Chapter seventy, Public Laws of one thousand nine hundred and thirty-one, and all amendments to said laws, shall not apply to Richmond County.

Certain laws not applicable to Richmond County.

SEC. 2. That Chapter three hundred and fifty-seven, Public Laws of one thousand nine hundred and thirty-nine, be amended by adding at the end of Section three thereof the following:

Sec. 3, Ch. 357, Public Laws, 1939, amended.

“Provided, however, that any such court which may have been or may hereafter be established in Richmond County shall be presided over by a judge who shall be nominated and elected in the county in the same manner and at the same time as is now provided by law for the nomination and election of the elective officers of the county and in the general election for such elective officers, and such judge shall be a qualified elector in the county and a man of good moral character.”

Nomination and election of County Court Judge of Richmond County.

SEC. 3. That Chapter three hundred and fifty-seven, Public Laws of one thousand nine hundred and thirty-nine, be amended by adding at the end of Section four thereof the following:

Sec. 4, amended.

“Provided, however, that any such court which may have been or may hereafter be established in Richmond County shall have as its prosecuting officer a solicitor who shall be nominated and elected in the county in the same manner and at the same time as is now provided by law for the nomination and election of the elective officers of the county and in the general election for such elective officers, and such solicitor shall be a qualified elector in the county, and a man of good moral character.”

Nomination and election of County Court Solicitor, Richmond County.

SEC. 4. That Chapter three hundred and fifty-seven, Public Laws of one thousand nine hundred and thirty-nine, be amended by inserting between Sections four and five thereof a new section to read as follows:

Ch. 357, Public Laws, 1939, further amended.

“SEC. 4½. That the Clerk of the Superior Court shall be the clerk of the special county court established under this Act.”

C. S. C. made clerk of Special County Court.

Sec. 6, amended.

SEC. 5. That Chapter three hundred and fifty-seven, Public Laws of one thousand nine hundred and thirty-nine, be amended by adding at the end of Section six thereof the following:

Salaries of judge  
and solicitor,  
Richmond County  
Court.

"Provided, however, that the salaries of the judge and solicitor of any such court which may have been or may hereafter be established in Richmond County shall be, for each, the sum of one thousand eight hundred dollars (\$1,800.00) per annum, payable monthly out of the general funds of the county; such officers shall hold office for a period of two years, or until their successors are elected and qualified."

Sec. 29, amended.

SEC. 5½. That Chapter three hundred and fifty-seven, Public Laws of one thousand nine hundred and thirty-nine, be amended by adding at the end of Section twenty-nine thereof the following:

Costs and fees,  
Richmond County  
Court.

"Provided, however, that in any such court which may have been or may hereafter be established in Richmond County there shall be allowed the following fees and costs, and none other: For the magistrate or other proper officer issuing process, for the arresting officer, for witnesses and for the clerk, the same fees as are now allowed by law for similar cases in the Superior Court; jail and turnkey fees as are now provided by law; and the clerk shall also tax against each defendant who is convicted, or who confesses his guilt, or upon whom judgment is suspended in said court, in cases originally within the jurisdiction of a Justice of the Peace, a tax fee of three dollars (\$3.00) in each case, and in all other cases within the jurisdiction of said court, a tax fee of six dollars (\$6.00), which said tax fees when collected shall be paid over by said clerk to the Treasurer or financial agent of the county, to be used to reimburse the county for the expenses of maintaining and supporting the court; but no such tax fees shall be charged in cases where the county is liable for any part of said costs."

Tax.

Conflicting laws  
repealed.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Partial invalidity  
section.

SEC. 7. If any part of this Act is declared by any court of final jurisdiction to be unconstitutional and void, such decision shall not affect or nullify any other part of this Act.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1941.

H. B. 175

## CHAPTER 61

## AN ACT RELATING TO THE ASSIGNMENT OF JUDGMENTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. No assignment of judgment shall be valid at law to pass any property as against creditors or purchasers for a valuable consideration from the donor, bargainor, or assignor, but from the entry of such assignment on the margin of the judgment docket opposite the said judgment, signed by the owner of said judgment, or his attorney under power of attorney or his attorney of record, and witnessed by the Clerk or the Deputy Clerk of the Superior Court of the county in which said judgment is docketed.

Assignment of judgments.

Entry on judgment docket, signed and witnessed.

SEC. 2. That this Act shall not affect any suit, action or proceeding now pending in the courts of this State.

Pending suits, etc. not affected.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-one.

Effective date.

In the General Assembly read three times and ratified, this the 4th day of March, 1941.

H. B. 220

## CHAPTER 62

## AN ACT TO DECLARE VALID AND LEGAL THE CREATION AND ESTABLISHMENT OF HOUSING AUTHORITIES, AND ALL CONTRACTS, BONDS, NOTES, AGREEMENTS, OBLIGATIONS AND UNDERTAKINGS OF SUCH HOUSING AUTHORITIES, AND ALL PROCEEDINGS, ACTS AND THINGS HERETOFORE UNDERTAKEN, PERFORMED OR DONE WITH REFERENCE THERETO.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the creation and establishment of housing authorities under the provisions of Chapter four hundred and fifty-six, Public Laws of one thousand nine hundred and thirty-five, as amended by Chapter two, Public Laws of one thousand nine hundred and thirty-eight, Extra Session, and as further amended by Chapter one hundred and fifty, Public Laws of one thousand nine hundred and thirty-nine, and any additional amendments thereto, known as the Housing Authorities Law, together with all proceedings, acts and things heretofore undertaken, performed or done with reference thereto, are hereby validated, ratified, confirmed, approved and declared legal in all

Establishment of housing authorities; acts, proceedings, etc.; validated.

respects, notwithstanding any want of statutory authority or any defect or irregularity therein.

Certain contracts, etc. of housing authorities, validated.

SEC. 2. That all contracts, agreements, obligations and undertakings of such housing authorities heretofore entered into relating to financing or aiding in the development, construction, maintenance or operation of any housing project or projects or to obtaining aid therefor from the United States Housing Authority, including (without limiting the generality of the foregoing) loan and annual contributions contracts and leases with the United States Housing Authority, agreements with municipalities or other public bodies (including those which are pledged or authorized to be pledged for the protection of the holders of any notes or bonds issued by such housing authorities or which are otherwise made a part of the contract with such holders of notes or bonds) relating to coöperation and contributions in aid of housing projects, payments (if any) in lieu of taxes, furnishing of municipal services and facilities, and the elimination of unsafe and insanitary dwellings, and contracts for the construction of housing projects, together with all proceedings, acts and things heretofore undertaken, performed or done with reference thereto, are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any want of statutory authority or any defect or irregularity therein.

Bonds and notes issued by housing authorities, validated.

SEC. 3. That all proceedings, acts and things heretofore undertaken, performed or done in or for the authorization, issuance, execution and delivery of notes and bonds by housing authorities for the purpose of financing or aiding in the development or construction of a housing project or projects, and all notes and bonds heretofore issued by housing authorities are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any want of statutory authority or any defect or irregularity therein.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1941.

H. B. 221

## CHAPTER 63

AN ACT TO AUTHORIZE HOUSING AUTHORITIES TO UNDERTAKE THE DEVELOPMENT OR ADMINISTRATION OF PROJECTS TO ASSURE THE AVAILABILITY OF SAFE AND SANITARY DWELLINGS FOR PERSONS ENGAGED IN NATIONAL DEFENSE ACTIVITIES WHO WOULD NOT OTHERWISE BE ABLE TO SECURE SUCH DWELLINGS WITHIN THE VICINITY THEREOF; TO LIMIT THE INITIATION OF THE DEVELOPMENT OF SUCH PROJECTS UNTIL DECEMBER THIRTY-FIRST, ONE THOUSAND NINE HUNDRED AND FORTY-THREE; TO AUTHORIZE HOUSING AUTHORITIES TO COOPERATE WITH OR ACT AS AGENT OF THE FEDERAL GOVERNMENT IN THE DEVELOPMENT AND ADMINISTRATION OF SUCH PROJECTS OF THE FEDERAL GOVERNMENT, TO ACQUIRE OR LEASE SUCH PROJECTS AND TO SELL CERTAIN PROJECTS TO THE FEDERAL GOVERNMENT; TO AUTHORIZE PUBLIC BODIES TO ASSIST SUCH PROJECTS OF HOUSING AUTHORITIES AND OF THE FEDERAL GOVERNMENT; TO MAKE OBLIGATIONS ISSUED FOR SUCH PROJECTS OF HOUSING AUTHORITIES LEGAL INVESTMENTS AND SECURITY FOR DEPOSITS; AND TO DECLARE VALID ALL BONDS, NOTES AND OBLIGATIONS OF HOUSING AUTHORITIES ISSUED FOR PROJECTS HERETOFORE UNDERTAKEN TO ASSURE THE AVAILABILITY OF SAFE AND SANITARY DWELLINGS FOR PERSONS ENGAGED IN NATIONAL DEFENSE ACTIVITIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. It is hereby found and declared that the National Defense Program involves large increases in the military forces and personnel in this State, a great increase in the number of workers in already established manufacturing centers and the bringing of a large number of workers and their families to new centers of defense industries in the State; that there is an acute shortage of safe and sanitary dwellings available to such persons and their families in this State which impedes the National Defense Program; that it is imperative that action be taken immediately to assure the availability of safe and sanitary dwellings for such persons to enable the rapid expansion of National Defense activities in this State and to avoid a large labor turnover in defense industries which would seriously hamper their production; that the provisions hereinafter enacted are necessary to assure the availability of safe and sanitary dwellings for persons engaged in National Defense activities which otherwise would not be provided at this time, and that such provisions are for the public use and purpose of facilitating

Shortage of housing facilities for persons in national defense activities.

Immediate action needed to assure suitable dwellings.



Purpose of Act.

the National Defense Program in this State. It is further declared to be the purpose of this Act to authorize housing authorities to do any and all things necessary or desirable to secure the financial aid of the Federal Government, or to coöperate with or act as agent of the Federal Government, in the expeditious development and the administration of projects to assure the availability when needed of safe and sanitary dwellings for persons engaged in National Defense activities.

Housing authorities authorized to undertake projects to assure dwellings.

SEC. 2. Any housing authority may undertake the development and administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in National Defense activities whom the housing authority determines would not otherwise be able to secure safe and sanitary dwellings within the vicinity thereof, but no housing authority shall initiate the development of any such project pursuant to this Act after December thirty-first, one thousand nine hundred and forty-three.

Limitation of time for initiating projects.

Rights, powers, etc. of housing authorities.

In the ownership, development or administration of such projects, a housing authority shall have all the rights, powers, privileges and immunities that such authority has under any provision of law relating to the ownership, development or administration of slum clearance and housing projects for persons of low income, in the same manner as though all the provisions of law applicable to slum clearance and housing projects for persons of low income were applicable to projects developed or administered to assure the availability of safe and sanitary dwellings for persons engaged in National Defense activities as provided in this Act, and housing projects developed or administered hereunder shall constitute "housing projects" under the Housing Authorities Law, as that term is used therein: Provided, that during the period (herein called the "National Defense Period") that a housing authority finds (which finding shall be conclusive in any suit, action or proceeding) that within its authorized area of operation, or any part thereof, there is an acute shortage of safe and sanitary dwellings which impedes the National Defense Program in this State and that the necessary safe and sanitary dwellings would not otherwise be provided when needed for persons engaged in National Defense activities, any project developed or administered by such housing authority (or by any housing authority coöperating with it) in such area pursuant to this Act, with the financial aid of the Federal Government (or as agent for the Federal Government as hereinafter provided), shall not be subject to the limitations provided in Section thirty-two of the Housing Authorities Law; and provided further, that, during the National Defense Period, a housing authority may make payments in such amounts as it finds necessary or desirable for any services, facilities, works, privileges or improvements fur-

Application of Housing Authority Law.

Limitations of Sec. 32, Housing Authority Law not applicable during "National Defense Period."

Payments during National Defense Period.

nished for or in connection with any such projects. After the National Defense Period, any such projects owned and administered by a housing authority shall be administered for the purposes and in accordance with the provisions of the Housing Authorities Law.

Application of Housing Authorities Law after National Defense Period.

SEC. 3. A housing authority may exercise any or all of its powers for the purpose of cooperating with, or acting as agent for, the Federal Government in the development or administration of projects by the Federal Government to assure the availability of safe and sanitary dwellings for persons engaged in National Defense activities and may undertake the development or administration of any such project for the Federal Government. In order to assure the availability of safe and sanitary housing for persons engaged in National Defense activities, a housing authority may sell (in whole or in part) to the Federal Government any housing projects developed for persons of low income but not yet occupied by such persons; such sale shall be at such price and upon such terms as the housing authority shall prescribe and shall include provision for the satisfaction of all debts and liabilities of the authority relating to such project.

Coöperation with Federal Government.

Sale of low income housing projects to Federal Government.

SEC. 4. Any state public body shall have the same rights and powers to cooperate with housing authorities, or with the Federal Government, with respect to the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in National Defense activities that such state public body has pursuant to Chapter four hundred and eight, Public Laws of one thousand nine hundred and thirty-five, as amended by Chapter one hundred and thirty-seven, Public Laws of one thousand nine hundred and thirty-nine, and amendments thereto, for the purpose of assisting the development or administration of slum clearance or housing projects for persons of low income.

Rights and powers of state public bodies to cooperate in developing projects.

SEC. 5. Bonds or other obligations issued by a housing authority for a project developed or administered pursuant to this Act shall be security for public deposits and legal investments to the same extent and for the same persons, institutions, associations, corporations, bodies and officers as bonds or other obligations issued pursuant to the Housing Authorities Law for the development of a slum clearance or housing project for persons of low income.

Obligations issued for projects made legal investments; security for public deposits.

SEC. 6. All bonds, notes, contracts, agreements and obligations of housing authorities heretofore issued or entered into relating to financing or undertaking (including cooperating with or acting as agent of the Federal Government in) the development or administration of any project to assure the availability of safe and sanitary dwellings for persons engaged

Bonds, notes, etc. issued for projects heretofore undertaken, validated.

in National Defense activities, are hereby validated and declared legal in all respects, notwithstanding any defect or irregularity therein or any want of statutory authority.

Further declaration of powers granted housing authorities by Act.

SEC. 7. This Act shall constitute an independent authorization for a housing authority to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in National Defense activities as provided in this Act and for a housing authority to cooperate with, or act as agent for, the Federal Government in the development or administration of similar projects by the Federal Government. A housing authority may do any and all things necessary or desirable to cooperate with, or act as agent for, the Federal Government, or to secure financial aid, in the expeditious development or in the administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in National Defense activities and to effectuate the purposes of this Act.

Definitions:

"Persons engaged in National Defense activities."

SEC. 8 (a) "Persons engaged in National Defense activities," as used in this Act, shall include: Enlisted men in the military and naval services of the United States and employees of the War and Navy Departments assigned to duty at military or naval reservations, posts or bases; and workers engaged or to be engaged in industries connected with and essential to the National Defense Program; and shall include the families of the aforesaid persons who are living with them.

"Persons of low income."

(b) "Persons of low income," as used in this Act, shall mean persons or families who lack the amount of income which is necessary (as determined by the housing authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

"Development."

(c) "Development" as used in this Act, shall mean any and all undertakings necessary for the planning, land acquisition, demolition, financing, construction or equipment in connection with a project (including the negotiation or award of contracts therefor), and shall include the acquisition of any project (in whole or in part) from the Federal Government.

"Administration."

(d) "Administration," as used in this Act, shall mean any and all undertakings necessary for management, operation or maintenance, in connection with any project, and shall include the leasing of any project (in whole or in part) from the Federal Government.

"Federal Government."

(e) "Federal Government," as used in this Act, shall mean the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(f) The development of a project shall be deemed to be "Initiated," within the meaning of this Act, if a housing authority has issued any bonds, notes or other obligations with respect to financing the development of such project of the authority, or has contracted with the Federal Government with respect to the exercise of powers hereunder in the development of such project of the Federal Government for which an allocation of funds has been made prior to December thirty-first, one thousand nine hundred and forty-three.

(g) "State public body," as used in this Act, shall include the State, its subdivisions and agencies, and any county, city, town or incorporated village of the State.

(h) "Housing authority," as used in this Act shall mean any housing authority established or hereafter established pursuant to the Housing Authorities Law (Chapter four hundred and fifty-six, Public Laws of one thousand nine hundred and thirty-five, as amended by Chapter two, Public Laws of one thousand nine hundred and thirty-eight, Extra Session, and as further amended by Chapter one hundred and fifty, Public Laws of one thousand nine hundred and thirty-nine, and any additional amendments thereto).

SEC. 9. The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law, and nothing contained herein shall be construed as limiting any other powers of a housing authority.

SEC. 10. Notwithstanding any other evidence of legislative intent it is hereby declared to be the controlling legislative intent that if any provision of this Act, or the application thereof to any persons or circumstances, is held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1941.



## H. B. 223

## CHAPTER 64

AN ACT TO AMEND CHAPTER NINETY-THREE OF THE CONSOLIDATED STATUTES OF VOLUME TWO, ONE THOUSAND NINE HUNDRED AND NINETEEN, RELATING TO BUILDING AND LOAN ASSOCIATIONS, BY INSERTING A NEW SECTION AUTHORIZING INSURED LOANS.

*The General Assembly of North Carolina do enact:*

Ch. 93, C.S.,  
amended.

SECTION 1. That Chapter ninety-three of the Consolidated Statutes of Volume two, one thousand nine hundred and nineteen, Subchapter one, relating to building and loan associations, be amended by inserting after Section five thousand one hundred and eighty-two, and before Section five thousand one hundred and eighty-three, a new section as follows:

Building & Loan  
Associations au-  
thorized to make  
F.H.A. insured  
loans.

“5182(b) Federal Housing Administration insured loans. Notwithstanding any provision in this Act any building and loan association, whether operating on the serial sinking fund plan or the direct reduction plan incorporated by and under this Act, is authorized and empowered to make to its members loans under the provisions of Title I, Class two and three, and Title II of an Act of Congress of the United States entitled ‘National Housing Act’, as amended, and all supplementary legislation thereto.”

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1941.

## H. B. 226

## CHAPTER 65

AN ACT TO AMEND CONSOLIDATED STATUTES FIVE THOUSAND ONE HUNDRED AND EIGHTY-TWO OF VOLUME TWO, ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED BY CHAPTER ELEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO THE MANNER IN WHICH BUILDING AND LOAN ASSOCIATIONS MAY MAKE LOANS.

*The General Assembly of North Carolina do enact:*

C.S. 5182,  
amended.

SECTION 1. That Consolidated Statutes five thousand one hundred and eighty-two of Volume two, one thousand nine hundred and nineteen, as amended by Chapter eleven of the Public



Laws of one thousand nine hundred and thirty-seven, be, and the same is hereby, amended to read as follows:

"5182. At such times as the by-laws shall designate, not less frequently than once a month, the board of directors shall hold meetings at which the funds in the treasury applicable for loans may be loaned: Provided, that between meetings of the board of directors any three members of said board may act as an executive committee and may, by unanimous vote, make such loans. Any loans so made or approved by the executive committee shall be reported to the board of directors at its next meeting. No loans shall be made by such association to any one not a member thereof. Borrowers shall be required to give real estate security, either by way of mortgage or deed of trust, subject only to mortgages or deeds of trust to secure loans made by the association and undue taxes and special assessments: Provided, that the shares of any such association may be received as security for a loan on such shares of an amount not to exceed ninety per centum of the amount paid in as dues on such shares: Provided, further, that bonds issued as general obligations of the United States Government and bonds issued as general obligations of the State of North Carolina may be received as security to an amount not exceeding ninety per centum of the face value of such bonds."

Method of making loans by Building & Loan Associations.

Loans to non-members prohibited.

Security for loans.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1941.

H. B. 227

## CHAPTER 66

AN ACT TO AMEND CONSOLIDATED STATUTES FIVE THOUSAND ONE HUNDRED AND EIGHTY-FOUR OF VOLUME TWO, ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED BY CHAPTER EIGHTEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, RELATING TO THE POWER OF BUILDING AND LOAN ASSOCIATIONS TO BORROW MONEY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Consolidated Statutes five thousand one hundred and eighty-four of Volume two, one thousand nine hundred and nineteen, as amended by Chapter eighteen of the Public Laws of one thousand nine hundred and thirty-three, be, and the same is hereby, amended to read as follows:

C.S. 5184, amended.

Power of Building & Loan Associations to borrow money.

Limitation of amount.

Security.

Conflicting laws repealed.

"5184. Power to borrow money. Any such association may in its certificate of incorporation, constitution or by-laws authorize the board of directors from time to time to borrow money, and the board of directors may from time to time, by resolution adopted by a vote of at least two-thirds of all the directors and duly recorded on the minutes, borrow money for the association on such terms and conditions as they may deem proper; but the total amount of money so borrowed shall at no time exceed thirty-five per centum of the gross assets of such association. In order to secure obligations for money borrowed under the provisions of this section, any such association may assign its notes, bonds and mortgages and/or other property, including the right to repledge the shares of stock pledged as collateral security, without securing the consent of the owner thereto, as security for the repayment of its indebtedness as evidenced by its bond, obligation or note given for such borrowed money."

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1941.

H. B. 228

CHAPTER 67

AN ACT TO AMEND CONSOLIDATED STATUTES FIVE THOUSAND ONE HUNDRED AND SEVENTY-SEVEN OF VOLUME TWO, ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED BY CHAPTER ONE HUNDRED AND SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, AS AMENDED BY CHAPTER TWENTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, RELATING TO RESERVE FUNDS OF BUILDING AND LOAN ASSOCIATIONS.

*The General Assembly of North Carolina do enact:*

C.S. 5177, amended.

SECTION 1. That Consolidated Statutes five thousand one hundred and seventy-seven of Volume two, one thousand nine hundred and nineteen, as amended by Chapter one hundred and seven of the Public Laws of one thousand nine hundred and thirty-one, as amended by Chapter twenty-six of the Public Laws of one thousand nine hundred and thirty-three, be, and the same is hereby, amended to read as follows:

Classes of shares of Building & Loan Associations.

"5177. Different classes of shares; dividends; reserve fund. Every building and loan association doing business in this State shall be authorized to issue as many series or classes and kinds

of shares and at such stated periods as may be provided for in its charter or by-laws; Provided, the dividends on paid-up stock shall be less than the association is earning, and such stock may have the right to share in the dividends between the rate paid and the earned per centum. Every association shall at all times have on hand and unpledged, investments in obligations of the United States Government or the Government of the State of North Carolina, or stock in the Federal Home Loan Bank, or bonds issued by the Federal Home Loan Bank, or on deposit in such bank or banks as may have been approved by a majority of the entire board of directors, an amount equal to at least five per centum of the aggregate amount of paid-up stock outstanding, as shown by the books of the association. When the aggregate of investment or funds in hand or on deposit as herein provided falls below the amount required under this section, the association shall make no new real estate loans until the required amount has been accumulated; provided, that the refinancing, recasting or renewal of loans previously made, and/or loans made as a result of foreclosure sales under instruments held by the interested building and loan association, shall not be considered as new loans within the meaning of this section."

Dividends.

Reserve funds.

Restriction of loans.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1941.

H. B. 297

## CHAPTER 68

AN ACT TO AMEND SECTION THREE THOUSAND NINE HUNDRED AND SEVEN OF THE CONSOLIDATED STATUTES, RELATING TO THE FEES TO BE CHARGED BY THE REGISTER OF DEEDS OF CRAVEN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three thousand nine hundred and seven of the Consolidated Statutes be amended by adding a new paragraph at the end thereof, as follows:

C.S. 3907, amended.

"In Craven County the Register of Deeds shall receive in addition to all other fees now allowed by law for recording instruments authorized to be registered, the sum of ten cents each per name in excess of five, for cross indexing such names which appear on papers presented at his office to be registered; and for recording maps or plats in the Map Book shall receive, in addition to the fees therefor provided in Section three thou-

Fees of Register of Deeds, Craven County, for cross indexing.

Fees for recording maps or plats.

Maximum fee.

sand nine hundred and six, the actual cost of having such maps as may be presented for registration photostated in uniform size and manner of said map book, but such cost shall not exceed two and one-half dollars (\$2.50) per map."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1941.

H. B. 351

## CHAPTER 69

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE TIME OF THE MEETING OF THE COUNTY BOARD OF EQUALIZATION AND REVIEW IN WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 1105, Ch. 310, Public Laws, 1939, amended, as to time for completing duties, Wayne Co. Board of Equalization and Review.

SECTION 1. That Subsection five of Section one thousand one hundred and five of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine be, and the same is hereby, amended by striking out the period following the word "meeting" in line five of said subsection and substituting a colon therefor, and adding the following:

"Provided, that in Wayne County the Wayne County Board of Equalization and Review shall have, if it deems necessary, sixty additional days in which to complete its duties."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1941.

H. B. 352

## CHAPTER 70

AN ACT TO AMEND SECTION NINE HUNDRED AND SIXTY OF THE CONSOLIDATED STATUTES OF VOLUME ONE, ONE THOUSAND NINE HUNDRED AND NINETEEN, WITH REFERENCE TO UNCLAIMED FEES OF JURORS AND WITNESSES PAID TO GENERAL FUND OF WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section nine hundred and sixty of Consolidated Statutes of Volume one, one thousand nine hundred and nineteen, be, and the same is hereby, amended by adding the following paragraph at the end thereof to read as follows:

C.S. 960,  
amended.

"In Wayne County whenever the annual county audit of the clerk of the superior court's office shall show that witness fees have remained in the hands of the clerk of the superior court for twelve months or more, the same shall be turned over to the county auditor for the use of the general fund of Wayne County, and the county commissioners may pay any claim for witness fees received from the clerk of the superior court, provided the person entitled thereto presents his claim therefor within two years from the time the funds are received by Wayne County from the clerk of the superior court."

Unclaimed witness fees after twelve months paid into general fund, Wayne County.

Subsequent payment of fees.

Limitation of time for presenting claims.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1941.

H. B. 374

## CHAPTER 71

AN ACT PROVIDING FOR THE FIXING OF THE SALARY OF THE COUNTY ACCOUNTANT OF BRUNSWICK COUNTY UPON CERTIFICATION BY THE COUNTY GOVERNMENT ADVISORY COMMISSION AND APPOINTMENT BY THE GOVERNOR.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter thirty-four, Section one, of the Public Laws, one thousand nine hundred and thirty-one, relating to the appointment of the County Accountant of Brunswick County be, and it is hereby amended by striking out the period after the word "years" at the end of said section, and substituting a comma therefor, and adding thereto the following: "whose salary shall not be less than twenty-three hundred dollars

Ch. 34, Public  
Laws, 1931,  
amended.

Salary of County Accountant, Brunswick County.



(\$2300.00) nor more than twenty-five hundred dollars (\$2500.00), annually, payable in monthly installments, in the discretion of the Board of Commissioners of Brunswick County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1941.

H. B. 511

## CHAPTER 72

AN ACT TO AMEND HOUSE BILL NUMBER NINETY-NINE, SESSION OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, AMENDING THE COUNTY FISCAL CONTROL ACT APPLYING ONLY TO MECKLENBURG COUNTY.

*The General Assembly of North Carolina do enact:*

H.B. 99, amended, making Ch. 38, Public Laws, 1941, applicable only to Mecklenburg County.

SECTION 1. That House Bill Number ninety-nine of the Regular Session of one thousand nine hundred and forty-one be and the same is hereby amended by inserting a new section immediately following Section seven to read as follows:

"SECTION 7½. This Act shall apply only to Mecklenburg County."

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1941.

H. B. 516

## CHAPTER 73

AN ACT TO AMEND SECTION THREE THOUSAND NINE HUNDRED AND FIVE, INsofar AS SAID SECTION APPLIES TO CUMBERLAND COUNTY, TO PLACE THE CORONER OF CUMBERLAND COUNTY ON A SALARY BASIS AND FIX HIS COMPENSATION.

*The General Assembly of North Carolina do enact:*

C.S. 3905, amended.

SECTION 1. That Section three thousand nine hundred and five of the Consolidated Statutes of one thousand nine hundred and nineteen be amended, insofar as the same relates to Cumberland County, by rewriting the first two sentences so that they will read as follows:

"The duly elected and qualified Coroner of Cumberland County shall receive, in lieu of all fees, commissions, and compensations, a salary of not less than nine hundred dollars (\$900.00) and not more than eighteen hundred dollars (\$1800.00) per annum, payable monthly by the Treasurer of Cumberland County."

Cumberland  
County Coroner  
placed on salary  
basis.

SEC. 2. That at their regular meeting to be held on the first Monday following the ratification of this Act, the County Commissioners of Cumberland County shall fix the amount to be paid the coroner, such amount to be within the limit prescribed by Section one of this Act.

Salary fixed by  
county commis-  
sioners.

SEC. 3. That this Act shall apply only to Cumberland County.

Application of  
Act.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1941.

H. B. 96

## CHAPTER 74

### AN ACT RELATING TO THE GRANTING OF INSURANCE BENEFITS BY FRATERNAL BENEFIT SOCIETIES ON THE LIVES OF ITS MEMBERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Any fraternal benefit society authorized to do business in this State which shall accumulate and maintain the reserves, on all certificates hereafter issued, required by the American Experience Table of Mortality, with Craig's or Buttolph's Extension thereof, or the Standard Industrial Table of Mortality, with an interest assumption of not more than three and one-half per centum per annum, or the American Men Unimate Table of Mortality, with Bowerman's Extension thereof, with an interest assumption of not more than three and one-half per centum per annum, or some higher standard, may accept members in such manner and upon such showing of eligibility, and issue to its members such forms of certificates in such amounts and payable to such beneficiaries as may be authorized by the society; and such society may issue benefit certificates of insurance to any such members in an amount or amounts not exceeding five thousand (\$5,000.00) dollars on the aggregate without medical examination, upon health and character information satisfactory to the society. The provisions of this Act shall apply to children under sixteen years of age of members of such society.

Fraternal benefit  
societies author-  
ized to issue  
certificates of  
insurance to  
members.

Conditions.

Limitation of  
amount.

Application to  
children under 16.

Construction and application of Act.

SEC. 2. This Act shall not affect or apply to any organization or society which limit their membership to persons engaged in one or more hazardous occupations in the same or similar lines of business, or in any way affect or repeal any law that now applies to such organizations or societies.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1941.

H. B. 166

## CHAPTER 75

### AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO NEIGHBORHOOD ROADS.

*The General Assembly of North Carolina do enact:*

Ch. 297, Public Laws, 1937, amended.

SECTION 1. That Section three and one-half of Chapter two hundred and ninety-seven of the Public Laws of one thousand nine hundred and thirty-seven be amended by striking out the period at the end of the section and inserting a colon and adding the following words:

Expenditure of general funds for repairing bridges, etc. on neighborhood roads, New Hanover County.

“Provided, that nothing in this Chapter shall prevent any board of county commissioners of the several counties of the State expending from their general funds such monies as may be necessary for building and repairing bridges or installing culverts on said neighborhood roads: Provided, that this shall apply only to New Hanover County.”

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1941.

H. B. 209

## CHAPTER 76

## AN ACT TO PERMIT AND INSTRUCT THE STATE TREASURER TO PAY CERTAIN BONDS AND INTEREST THEREON.

WHEREAS, certain bonds of the State of North Carolina, to-wit: (a) one four per cent registered highway bond, number one hundred twelve thousand eight hundred and fifty-one (112851), dated January first, one thousand nine hundred and twenty-seven, due July first, one thousand nine hundred and forty-four, in the amount of one thousand dollars (\$1,000.00); and (b) one four per cent State redemption registered bond, number seven hundred and fifty-seven (757), dated July first, one thousand nine hundred and ten, due July first, one thousand nine hundred and fifty, in the amount of one thousand dollars (\$1,000.00), registered in the name of Charles L. Carden, "Treasurer of A. W. Tinnin Endowment Fund, Mount Zion Christian Church, Mebane, North Carolina"; and

Preamble:  
Certain State  
Bonds registered  
in name of Treas-  
urer of A. W.  
Tinnin Endow-  
ment Fund.

WHEREAS, these bonds were kept in the dwelling of C. E. McCadams, Chairman of the Board of Trustees, which was burned along with the said bonds on March second, one thousand nine hundred and thirty-five; and

Bonds destroyed  
by fire.

WHEREAS, said bonds are now at a premium on the market:  
Now, therefore,

Bonds selling at  
premium on  
market.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Treasurer of the State of North Carolina is hereby empowered and directed, upon warrant of the State Auditor which shall be issued therefor upon the Highway Fund, to pay Charles L. Carden, Treasurer of A. W. Tinnin Endowment Fund, Mount Zion Christian Church, Mebane, North Carolina, in full discharge of four per cent highway registered bond number one hundred twelve thousand eight hundred and fifty-one (112851), dated January first, one thousand nine hundred and twenty-seven, due July first, one thousand nine hundred and forty-four, the sum of one thousand eighty-seven dollars and fifty cents (\$1,087.50); and the said Treasurer is also empowered and directed, upon warrant of the State Auditor which shall be issued therefor upon the General Fund, to pay to Charles L. Carden, Treasurer of A. W. Tinnin Endowment Fund, Mount Zion Christian Church, Mebane, North Carolina, in full discharge of four per cent State redemption registered bond number seven hundred and fifty-seven (757), dated July first, one thousand nine hundred and ten, due July first, one thousand nine hundred and fifty, and interest thereon, in the amount of one thousand one hundred and eighty dollars (\$1,180.00).

State Treasurer  
directed to pay  
said bonds upon  
warrants of  
State Auditor.

Amount due.

The total amount due on the two bonds above referred to is two thousand two hundred sixty-seven dollars and fifty cents (\$2,267.50), to which sum shall be added accrued interest at the date of payment.

Interest.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1941.

## H. B. 214

## CHAPTER 77

AN ACT TO AMEND SECTION TWO HUNDRED AND TWENTY (a) OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, AS AMENDED, BY ADDING A NEW SUBSECTION TO PROVIDE FOR SECURING DEPOSITS AND TO BE DESIGNATED AS SUBSECTION SEVEN.

*The General Assembly of North Carolina do enact:*

C.S. 220(a),  
amended as to  
general powers  
of banks.

SECTION 1. That Section two hundred and twenty (a) of the Consolidated Statutes of North Carolina, as amended, be amended by adding after Subsection six, which was enacted by Chapter one hundred and fifty-four, Public Laws, one thousand nine hundred and thirty-seven, a new subsection to be designated seven and to read as follows:

Deposit of funds  
by trust depart-  
ment in commer-  
cial department  
of same bank.

"7. Maintain separate departments and deposit in its commercial department to the credit of its trust department all uninvested fiduciary funds of cash and secure, under rules and regulations of the State Banking Commission, all such deposits in the name of the trust department whether in consolidated deposits or for separate fiduciary accounts, by segregating and delivering to the trust department such securities as may be eligible for the investment of the sinking funds of the State of North Carolina, equal in market value to such deposited funds, or readily marketable commercial bonds having not less than a recognized "A" rating equal to one hundred and twenty-five per centum of such deposits.

Securities deliv-  
ered to trust de-  
partment.

Securities held as  
security for  
deposits.

"Such securities shall be held by the trust department as security for the full payment or repayment of all such deposits, and shall be kept separate and apart from other assets of the trust department. Until all of such deposits shall have been accounted for to the trust department or to the individual fiduciary accounts, no creditor of the bank shall have any claim or right to such security.

Priority against  
bank's creditors.



“When fiduciary funds are deposited by the trust department in the commercial department of the bank, the deposit thereof shall not be deemed to constitute a use of such funds in the general business of the bank and the bank in such instance shall not be liable for interest on such funds.

Bank not liable for interest on funds deposited by trust department.

“To the extent and in the amount such deposits may be insured by the Federal Deposit Insurance Corporation, the amount of security required for such deposits by this Section may be reduced.”

Reduction of securities when deposits insured by F.D.I.C.

SEC. 2. The Banking Commission shall have power to make such rules and regulations as it may deem necessary for the enforcement of the provisions of Subsection seven added to Section two hundred and twenty (a), Consolidated Statutes of North Carolina, by Section one of this Act, and such authority shall exist and is hereby conferred under the general authority heretofore conferred upon said commission as well as by this Act.

Rules and regulations by Banking Commission.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1941.

H. B. 219

## CHAPTER 78

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND FIFTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, AND AMENDMENTS THERETO, KNOWN AS THE HOUSING AUTHORITIES LAW, RELATING TO THE CREATION OF HOUSING AUTHORITIES TO ENGAGE IN SLUM CLEARANCE AND PROJECTS TO PROVIDE DWELLING ACCOMMODATIONS FOR PERSONS OF LOW INCOME (INCLUDING FARMERS OF LOW INCOME) AND TO DEFINE THEIR POWERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter four hundred and fifty-six of the Public Laws of one thousand nine hundred and thirty-five, and amendments thereto, be and the same is hereby amended by striking out Section two and inserting in lieu thereof the following:

Sec. 2, Ch. 456, Public Laws, 1935, amended.

“SEC. 2. Finding and Declaration of Necessity. It is hereby declared that unsanitary or unsafe dwelling accommodations exist in urban and rural areas throughout the State and that such unsafe or unsanitary conditions arise from overcrowding and concentration of population, the obsolete and poor con-

State policy as to slum clearance and provision for low cost housing facilities.

dition of the buildings, improper planning, excessive land coverage, lack of proper light, air and space, unsanitary design and arrangement, lack of proper sanitary facilities, and the existence of conditions which endanger life or property by fire and other causes; that in such urban and rural areas many persons of low income are forced to reside in unsanitary or unsafe dwelling accommodations; that in such urban and rural areas there is a lack of safe or sanitary dwelling accommodations available to all the inhabitants thereof and that consequently many persons of low income are forced to occupy overcrowded and congested dwelling accommodations; that these conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the citizens of the State and impair economic values; that these conditions cannot be remedied by the ordinary operations of private enterprise; that the clearance, replanning and reconstruction of such areas and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which public money may be spent and private property acquired; that it is in the public interest that work on such projects be instituted as soon as possible; and that the necessity for the provisions hereinafter enacted is hereby declared as a matter of legislative determination to be in the public interest."

Sec. 3, Ch. 456,  
Public Laws,  
1935, amended.

SEC. 2. That Section three of Chapter four hundred and fifty-six of said Public Laws be and the same is hereby amended by adding at the end of said section the following:

"Farmers of low  
income," de-  
fined.

"(18) 'Farmers of low income' shall mean persons or families who at the time of their admission to occupancy in a dwelling of the authority: (1) live under unsafe or unsanitary housing conditions; (2) derive their principal income from operating or working upon a farm; and (3) had an aggregate average annual net income for the three years preceding their admission that was less than the amount that shall be determined by the authority to be necessary, within its area of operation, to enable them, without financial assistance, to obtain decent, safe and sanitary housing, without overcrowding."

Sec. 25, Ch. 456,  
Public Laws,  
1935, amended.

SEC. 3. That Chapter four hundred and fifty-six of said Public Laws be and the same is hereby amended by striking out Section twenty-five and inserting in lieu thereof the following:

Housing Author-  
ity Bonds des-  
ignated as legal  
investments.

"SEC. 25. Housing Bonds Legal Investments and Security. The State and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons

carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds issued by a housing authority established (or hereafter established) pursuant to this Act or issued by any public housing authority or agency in the United States, when such bonds are secured by a pledge of annual contributions to be paid by the United States Government or any agency thereof, and such bonds shall be authorized security for all public deposits and shall be fully negotiable in this State; it being the purpose of this Act to authorize any persons, firms, corporations, associations, political subdivisions, bodies and officers, public or private, to use any funds owned or controlled by them, including (but not limited to) sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds and that any such bonds shall be authorized security for all public deposits and shall be fully negotiable in this State: Provided, however, that nothing contained in this Act shall be construed as relieving any person, firm or corporation from any duty of exercising reasonable care in selecting securities."

Persons authorized to purchase bonds.

Bonds as authorized security for public deposits; negotiability.

SEC. 4. That Chapter four hundred and fifty-six of said Public Laws be and the same is hereby amended by adding at the end of said chapter the following sections:

Ch. 456, Public Laws, 1935, amended further.

"SEC. 33. Notice, Hearing and Creation of Authority for a County. Any twenty-five (25) residents of a county having a population of more than sixty thousand (60,000) may file a petition with the clerk of the board of county commissioners setting forth that there is a need for an authority to function in the county. Upon the filing of such a petition such clerk shall give notice of the time, place and purposes of a public hearing at which the board of county commissioners will determine the need for an authority in the county. Such notice shall be given at the county's expense by publishing a notice, at least ten days preceding the day on which the hearing is to be held, in a newspaper having a general circulation in the county or, if there be no such newspaper, by posting such a notice in at least three public places within the county, at least ten days preceding the day on which the hearing is to be held.

Procedure for creation of County Housing Authority.

Petition.

Notice of hearing.

Advertisement of notice.

"Upon the date fixed for said hearing to be held upon notice as provided herein, an opportunity to be heard shall be granted to all residents and tax payers of the county and to all other interested persons. After such a hearing, the board of county commissioners shall determine (1) whether unsanitary or unsafe inhabited dwelling accommodations exist in the county and/or (2) whether there is a lack of safe or sanitary dwelling accommodations in the county available for all the inhabitants thereof. In determining whether dwelling accommodations are unsafe or unsanitary, the board of county commissioners shall take

Hearing before County Commissioners.

Questions determined by Board.

Certain facts to be considered by Board.

into consideration the following: The physical condition and age of the buildings; the degree of overcrowding; the percentage of land coverage; the light and air available to the inhabitants of such dwelling accommodations; the size and arrangement of the rooms; the sanitary facilities; and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

Appointment of commissioners to act as authority, upon affirmative determination.

"If it shall determine that either or both of the above enumerated conditions exist, the board of county commissioners shall adopt a resolution so finding (which need not go into any detail other than the mere finding) and shall thereupon appoint, as hereinafter provided, five commissioners to act as an authority. Said authority shall be a public body and a body corporate and politic upon the completion of the taking of the following proceedings:

Incorporation procedure.

Application to Secretary of State.

Contents.

"The commissioners shall present to the Secretary of State an application signed by them, which shall set forth (without any detail other than the mere recital) (1) that a notice has been given and public hearing has been held as aforesaid, that the board of county commissioners made the aforesaid determination after such hearing and appointed them as commissioners; (2) the name, and official residence of each of the commissioners, together with a certified copy of the appointment evidencing their right to office, the date and place of induction into and taking oath of office, and that they desire the housing authority to become a public body and a body corporate and politic under this act; (3) the term of office of each of the commissioners; (4) the name which is proposed for the corporation; and (5) the location of the principal office of the proposed corporation. The application shall be subscribed and sworn to by each of said commissioners before an officer authorized by the laws of the State to take and certify oaths, who shall certify upon the application that he personally knows the commissioners and knows them to be the officers as asserted in the application, and that each subscribed and swore thereto in the officer's presence. The Secretary of State shall examine the application and if he finds that the name proposed for the corporation is not identical with that of a person or of any other corporation of this State or so nearly similar as to lead to confusion and uncertainty he shall receive and file it and shall record it in an appropriate book of record in his office.

Signing and verification.

Duties of Secretary of State.

Issuance of certificate of incorporation.

"When the application has been made, filed and recorded, as herein provided, the authority shall constitute a public body and a body corporate and politic under the name proposed in the application; the Secretary of State shall make and issue to the said commissioners, a certificate of incorporation pursuant to this Act, under the seal of the State, and shall record the same with the application.



"The area of operation of such authority shall include said county but in no event shall it include any city as defined in this Act.

Area of operation of authority.

"If the board of county commissioners, after a hearing as aforesaid, shall determine that neither of the above enumerated conditions exist, it shall adopt a resolution denying the petition. After three months shall have expired from the date of the denial of any such petitions, subsequent petitions may be filed as aforesaid and new hearings and determinations made thereon.

Denial of petition upon negative determination of material questions.

Further petitions.

"In any suit, action or proceeding involving the validity or enforcement of, or relating to any contract of the authority, the authority shall be conclusively deemed to have been established in accordance with the provisions of this Act upon proof of the issuance of the aforesaid certificate by the Secretary of State. A copy of such certificate, duly certified by the Secretary of State, shall be admissible in evidence in any such suit, action or proceeding, and shall be conclusive proof of the filing and contents thereof.

Proof of issuance of corporate certificate, in suits.

Effect.

Certified copy admissible in evidence.

"SEC. 34. Commissioners and Powers of Authority for a County. The commissioners of a housing authority created for a county may be appointed and removed by the board of county commissioners of the county in the same manner as the commissioners of a housing authority created for a city may be appointed and removed by the Mayor, and except as otherwise provided herein, each housing authority created for a county and the commissioners thereof shall have the same functions, rights, powers, duties and limitations provided for housing authorities created for cities and the commissioners of such housing authorities: Provided, that for such purposes the term "Mayor" or "council" as used in the Housing Authorities Law and any amendments thereto shall be construed as meaning "board of county commissioners," the term "city clerk" as used therein shall be construed as meaning "clerk of the board of county commissioners" and the term "city" as used therein shall be construed as meaning "county" unless a different meaning clearly appears from the context: Provided, further, that a housing authority created for a county shall not be subject to the limitations provided in clause (d) of Section thirty-two of the Housing Authorities Law with respect to housing projects for farmers of low income.

Appointment and removal of commissioners of Authority.

Power, functions, etc., of housing authority created for county.

Meaning of terms.

Sec. 32, clause (d), Housing Authorities Law, not applicable to certain projects.

"SEC. 35. Creation of Regional Housing Authority. If the board of county commissioners of each of two or more contiguous counties having an aggregate population of more than sixty thousand (60,000) by resolution declares that there is a need for one housing authority to be created for all of such counties to exercise powers and other functions herein prescribed for a housing authority in such counties, a public body corporate and politic to be known as a regional housing authority for all

Creation of Regional Housing Authority by contiguous counties.



Effect on existing county authority.

Resolution declaring need for regional authority.

Requisite findings.

Facts considered.

Appointment of commissioners to act as regional authority upon affirmative determination.

Incorporation procedure.

Application to Secretary of State.

Contents.

of such counties shall thereupon exist for and exercise its powers and other functions in such counties, and thereupon any housing authority created for any of such counties shall cease to exist: Provided, that the board of county commissioners of a county shall not adopt a resolution as aforesaid if there is a housing authority created for such county which has any obligations outstanding.

"The board of county commissioners of each of two or more said contiguous counties shall by resolution declare that there is a need for one regional housing authority to be created for all of such counties to exercise powers and other functions herein prescribed in such counties, if such board of county commissioners finds (and only if it finds) (a) unsanitary or unsafe dwelling accommodations exist in the area of its respective county and/or there is a lack of safe or sanitary dwelling accommodations in the county available for all the inhabitants thereof and (b) that a regional housing authority for the proposed region would be a more efficient or economical administrative unit than a housing authority for an area having a smaller population to carry out the purposes of the Housing Authorities Law and any amendments thereto, in such county. In determining whether dwelling accommodations are unsafe or unsanitary, the board of county commissioners shall take into consideration the following: The physical condition and age of the buildings; the degree of overcrowding; the percentage of land coverage; the light and air available to the inhabitants of such dwelling accommodations; the size and arrangement of the rooms; the sanitary facilities; and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

"If it shall determine that both (a) and (b) of the above enumerated conditions exist, the board of county commissioners shall adopt a resolution so finding (which need not go into any detail other than the mere finding). After the appointment, as hereinafter provided, of the commissioners to act as the regional housing authority, said authority shall be a public body and a body corporate and politic upon the completion of the taking of the following proceedings:

"The commissioners shall present to the Secretary of the State an application signed by them, which shall set forth (without any detail other than the mere recital) (1) that the boards of county commissioners made the aforesaid determination and that they have been appointed as commissioners; (2) the name, and official residence of each of the commissioners, together with a certified copy of the appointment evidencing their right to office, the date and place of induction into and taking oath of office, and that they desire the housing authority to become a public body and a body corporate and politic under this Act; (3) the term of office of each of the commissioners;

(4) the name which is proposed for the corporation; and (5) the location of the principal office of the proposed corporation. The application shall be subscribed and sworn to by each of said commissioners before an officer authorized by the laws of the State to take and certify oaths, who shall certify upon the application that he personally knows the commissioners and knows them to be the officers as asserted in the application, and that each subscribed and swore thereto in the officer's presence. The Secretary of State shall examine the application and if he finds that the name proposed for the corporation is not identical with that of a person or of any other corporation of this State or so nearly similar as to lead to confusion and uncertainty he shall receive and file it and shall record it in an appropriate book of record in his office.

Signing and verification.

Duties of Secretary of State.

"When the application has been made, filed and recorded, as herein provided, the Authority shall constitute a public body and a body corporate and politic under the name proposed in the application; the Secretary of State shall make and issue to the said commissioners, a certificate of incorporation pursuant to this Act, under the seal of the State, and shall record the same with the application.

Issuance of certificate of incorporation.

"The area of operation of such regional housing authority shall include all of the counties for which such regional housing authority is created and established but in no event shall it include any city which has heretofore established a housing authority pursuant to this Act nor a city or town having a population in excess of five thousand (5,000).

Area of operation of regional authority.

"In any suit, action or proceeding involving the validity or enforcement of, or relating to any contract of the regional housing authority, the regional housing authority shall be conclusively deemed to have been established in accordance with the provisions of this Act upon proof of the issuance of the aforesaid certificate by the Secretary of State. A copy of such certificate, duly certified by the Secretary of State, shall be admissible in evidence in any such suit, action or proceeding, and shall be conclusive proof of the filing and contents thereof.

Proof of issuance of corporate certificate, in suits.

Effect.

Certified copy admissible in evidence.

"SEC. 36. Commissioners of Regional Housing Authority. When the board of county commissioners of each of two or more contiguous counties has adopted a resolution as provided above, such board of county commissioners shall thereupon appoint one person as a commissioner of the regional housing authority. The board of county commissioners of each such county shall thereafter appoint each person to succeed such commissioner. A certificate of the appointment of any such commissioner signed by the chairman of the board of county commissioners shall be conclusive evidence of the due and proper appointment

Appointment of Commissioners of Regional Housing Authority.

Evidence of appointment.

Appointment of additional commissioner by Governor in certain cases.

Evidence of Governor's appointment.

Terms.

Removal of commissioners.

Statement of charges.

Hearing.

Powers of Authority vested in commissioners.

Election of chairman.

Other necessary officers and employees.

Quorum at meetings.

Powers of Regional Housing Authority.

Meaning of terms.

of such commissioner. If the board of county commissioners of an even number of counties adopt resolutions as aforesaid, the Governor of North Carolina shall appoint one additional commissioner to such regional housing authority. The Governor shall likewise appoint each person to succeed such additional commissioner. A certificate of the appointment of any such additional commissioner shall be signed by the Governor and filed with the Secretary of State. A copy of such certificate, duly certified by the Secretary of State, shall be conclusive evidence of the due and proper appointment of such additional commissioner. The commissioners of a regional housing authority shall be appointed for terms of five years except that all vacancies shall be filled for the unexpired terms. Each commissioner shall hold office until his successor has been appointed and has qualified.

"For inefficiency or neglect of duty or misconduct in office, a commissioner of a regional housing authority may be removed by the board of county commissioners appointing him, or in the case of the commissioner appointed by the Governor, by the Governor: Provided, that such commissioner shall have been given a copy of the charges against him at least ten days prior to the hearing thereon and: Provided, that such commissioner shall have had an opportunity to be heard in person or by counsel.

"The commissioners appointed as aforesaid shall constitute the regional housing authority, and the powers of such authority shall be vested in such commissioners in office from time to time.

"The commissioners of a regional housing authority shall elect a chairman from among the commissioners and shall have power to select or employ such other officers and employees as the regional housing authority may require. A majority of the commissioners of a regional housing authority shall constitute a quorum of such authority for the purpose of conducting its business and exercising its powers and for all other purposes.

"SEC. 37. Powers of Regional Housing Authority. Except as otherwise provided herein, a regional housing authority and the commissioners thereof shall, within the area of operation of such regional housing authority, have the same functions, rights, powers, duties and limitations provided for housing authorities created for cities or counties and the commissioners of such housing authorities: Provided, that for such purposes the term "Mayor" or "council" as used in the Housing Authorities Law and any amendments thereto shall be construed as meaning "board of county commissioners," the term "city clerk" as used therein shall be construed as meaning "clerk of the board of county commissioners" and the term "city" as used therein shall be construed as meaning "county" unless a

different meaning clearly appears from the context: Provided, further, that a regional housing authority shall not be subject to the limitations provided in clause (d) of Section thirty-two of the Housing Authorities Law with respect to housing projects for farmers of low income.

Sec. 32, clause (d), of Housing Authorities Law, not applicable to certain projects.

"SEC. 38. Rural Housing Projects. Housing authorities created for counties and regional housing authorities are specifically empowered and authorized to borrow money, accept grants and exercise their other powers to provide housing for farmers of low income. In connection with such projects, such housing authorities may enter into such lease or purchase agreements, accept such conveyances and rent or sell dwellings forming part of such projects to or for farmers of low income, as such housing authority deems necessary in order to assure the achievement of the objectives of this Act. Such leases, agreements or conveyances may include such covenants as the housing authority deems appropriate regarding such dwellings and the tracts of land described in any such instrument, which covenants shall be deemed to run with the land where the housing authority deems it necessary and the parties to such instrument so stipulate. Nothing contained in this section shall be construed as limiting any other powers of any housing authority.

Rural housing projects.

Powers of Authority.

No limitation of other powers.

"SEC. 39. Housing Applications by Farmers. The owner of any farm operated, or worked upon, by farmers of low income in need of safe and sanitary housing may file an application with a housing authority of a county or a regional housing authority requesting that it provide for a safe and sanitary dwelling or dwellings for occupancy by such farmers of low income. Such applications shall be received and examined by housing authorities in connection with the formulation of projects or programs to provide housing for farmers of low income."

Housing applications by farmers.

SEC. 5. That if any provision of this Act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Act, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Partial invalidity section.

SEC. 6. That insofar as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling.

Construction of Act.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1941.



## H. B. 245

## CHAPTER 79

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, BEING AN ACT TO PROVIDE FOR THE SUBSTITUTION OF EXECUTORS AND/OR TRUSTEES IN WILLS PROBATED AND RECORDED IN THIS STATE.

*The General Assembly of North Carolina do enact:*

Ch. 150, Public  
Laws, 1929,  
amended.

SECTION 1. That Section one of Chapter one hundred and fifty, Public Laws of one thousand nine hundred and twenty-nine, be, and the same is hereby amended so as to read as follows:

C.S. 4145,  
amended.

"That Section four thousand one hundred forty-five of the Consolidated Statutes be, and the same is hereby amended by striking out the period at the end of the section and substituting a comma and adding, after the comma, the following: 'provided, that whenever in a will so probated or recorded a bank or trust company shall be named executor and/or trustee and shall have at the time of such probate and recording become absorbed by or consolidated with another bank or trust company or shall have sold and transferred all its assets and liabilities to another bank or trust company doing business in North Carolina, such latter bank or trust company shall be deemed substituted for and shall have all the rights and powers of the former bank or trust company.'"

Substitution of  
successor bank  
for bank named  
in will as exe-  
cutor, etc.

Conflicting laws  
repealed.

SEC. 2. All laws or clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1941.

## H. B. 246

## CHAPTER 80

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, BEING AN ACT TO PRESERVE THE FIDUCIARY POWERS AND LIABILITIES OF BANKS UPON CONSOLIDATION.

*The General Assembly of North Carolina do enact:*

Ch. 207, Public  
Laws, 1931.

SECTION 1. That Section one of Chapter two hundred and seven of Public Laws of one thousand nine hundred and thirty-one be, and the same is hereby amended to read as follows:



"Whenever any bank or trust company, organized under the laws of North Carolina or the Acts of Congress, and doing business in this state, shall consolidate or merge with or shall sell to and transfer its assets and liabilities to any other bank or trust company doing business in this state, as provided by the laws of North Carolina or the Acts of Congress, all and every the then existing fiduciary rights, powers, duties and liabilities of such consolidating or merging or transferring bank or banks and/or trust companies, including the rights, powers, duties and liabilities as executor, administrator, guardian, trustee, and/or any other fiduciary capacity, whether under appointment by order of court, will, deed, or other instrument, shall, upon the effective date of such consolidation or merger or sale and transfer, vest in, devolve upon, and thereafter be performed by, the transferee bank or the consolidated or merged bank or trust company, and such latter bank or trust company shall be deemed substituted for and shall have all the rights and powers of the transferring bank or trust company."

Fiduciary rights, powers, duties, etc., of banks preserved upon consolidation.

Substitution of consolidated bank for transferring bank.

SEC. 2. This Act shall be in force and effect as of the date of the original ratification of Chapter two hundred and seven, Public Laws of one thousand nine hundred and thirty-one herein amended, except that this Act shall not affect any pending litigation or any fiduciary relationship which may have been changed or transferred by the parties in interest or by proper court action.

Effective date of Act.

In the General Assembly read three times and ratified, this the 5th day of March, 1941.

H. B. 285

## CHAPTER 81

### AN ACT TO AUTHORIZE THE ISSUANCE OF BONDS OF THE STATE TO REIMBURSE FUNDS FOR EMERGENCY ADVANCES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State Treasurer is hereby authorized, by and with the consent of the Governor and Council of the State, to issue and sell, at one time or from time to time, two hundred and seventy-five thousand dollars (\$275,000) bonds of the State for the purpose of reimbursing funds of the State for emergency advances authorized by the Governor and Council of State under Chapter forty-nine of the Public Laws of one thousand nine hundred and twenty-seven for fireproofing buildings at the North Carolina School for the Deaf which were condemned for use by the Insurance Department.

Issuance of State bonds to reimburse funds for emergency advances, authorized.

SEC. 2. Said bonds shall bear such date or dates and such rate or rates of interest not exceeding three per cent per annum, payable semi-annually, as may be fixed by the Governor and

Interest rate, maturity dates, etc.

Council of State, and shall mature in such amounts and in annual series, beginning not more than three years and running not longer than twenty years from their date or respective dates of issue, as may be fixed by the Governor and Council of State.

Form, execution,  
and denomina-  
tion.

SEC. 3. Said bonds shall carry interest coupons which shall bear the signature of the State Treasurer, or a facsimile thereof, and said bonds shall be subject to registration and shall be signed and sealed as is now or may hereafter be provided by law for State bonds, and the form and denomination thereof shall be such as the State Treasurer may determine in conformity with this Act.

Sale of bonds.

SEC. 4. Subject to determination by the Governor and Council of State as to the manner in which said bonds shall be offered for sale, whether by publishing notices in certain newspapers and financial journals, or by mailing notices or by inviting bids by correspondence or otherwise, the State Treasurer is authorized to sell said bonds at one time or from time to time at the best price obtainable, but in no case for less than par and accrued interest.

Disposition of  
proceeds.

SEC. 5. The proceeds of said bonds and of the bond anticipation notes herein authorized (except the proceeds of bonds the issuance of which has been anticipated by such bond anticipation notes) shall be placed by the State Treasurer in a separate fund and used solely for the purpose specified in Section one of this Act.

Issuance of notes  
authorized.

SEC. 6. By and with the consent of the Governor and Council of State, who shall determine the rate of maximum rate of interest and the date or approximate date of payment, the State Treasurer is hereby authorized to borrow money at the lowest rate of interest obtainable, and to execute and issue notes of the State for the same, but only in the following circumstances and under the following conditions:

Purposes:

Anticipation of  
sale of bonds.

(a) For anticipating the sale of any of said bonds to the issuance of which the Governor and Council of State shall have given consent, if the Treasurer shall deem it advisable to postpone the issuance of such bonds.

Payment of prin-  
cipal or interest  
of outstanding  
bonds.

(b) For the payment of interest upon or principal of any of said bonds then outstanding, if there shall not be sufficient funds in the State Treasury with which to pay such interest or principal as they respectively fall due.

Renewal of loan.

(c) For the renewal of any loan evidenced by notes herein authorized.

Payment of  
bond sale an-  
ticipation notes.

SEC. 7. Notes issued in anticipation of the sale of said bonds shall be paid from funds derived from the sale of the bonds unless otherwise provided for by the General Assembly, and

notes issued for the payment of interest or principal shall be paid from funds provided by the General Assembly for the payment of such interest or principal when such funds are collected. Interest payments upon said notes may be evidenced by interest coupons in the Treasurer's discretion.

Payment of notes for principal or interest of bonds.

SEC. 8. The full faith, credit and taxing power of the State are hereby pledged for the payment of the principal and interest of the bonds and notes herein authorized.

Full faith, credit, and taxing power of State pledged.

SEC. 9. The coupons of said bonds and notes after maturity shall be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the State of any kind whatsoever.

Notes and coupons receivable in payment of obligations due State.

SEC. 10. All of said bonds and notes and coupons shall be exempt from all State, county and municipal taxation or assessments, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, and the interest on said bonds and notes shall not be subject to taxation as for income, nor shall said bonds or notes or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company, or other corporation.

Tax exemption.

SEC. 11. It shall be lawful for all executors, administrators, guardians and fiduciaries generally, and all sinking fund commissions, to invest any moneys in their hands in said bonds and notes.

Investment in bonds by fiduciaries, etc., authorized.

SEC. 12. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1941.

H. B. 295

## CHAPTER 82

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, AS AMENDED BY CHAPTER TWO HUNDRED AND THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO PUBLIC DRUNKENNESS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter two hundred and seven of the Public Laws of one thousand nine hundred and thirty-five, as amended by Chapter two hundred and three of the Public Laws of one thousand nine hundred and thirty-seven, be, and the same is hereby amended by striking out Section two and inserting in lieu thereof the following:

Ch. 207, Public Laws, 1935, amended, fixing punishment for public drunkenness in Burke County.

"SEC. 2. This Act shall apply to Guilford, Surry, and Burke counties only."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1941.

H. B. 340

### CHAPTER 83

#### AN ACT TO CLARIFY THE LAW WITH REFERENCE TO STOP SIGNS AT INTERSECTING HIGHWAYS.

*The General Assembly of North Carolina do enact:*

Ch. 407, Public Laws, 1937, amended, as to provision requiring vehicles to stop before entering highways.

SECTION 1. That Chapter four hundred and seven of the Public Laws of one thousand nine hundred and thirty-seven, Section one hundred and twenty, be and the same is hereby amended as follows:

Strike out all of Subsection (b) and Subsection (d) and renumber the remaining subsections accordingly.

SEC. 2. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1941.

H. B. 344

### CHAPTER 84

#### AN ACT TO AMEND SECTION THREE THOUSAND NINE HUNDRED AND FIVE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN TO INCREASE THE FEES OF CORONERS FOR HOLDING INQUESTS.

*The General Assembly of North Carolina do enact:*

C.S. 3905, amended, as to fees of coroner.

SECTION 1. That Section three thousand nine hundred and five of the Consolidated Statutes of one thousand nine hundred and nineteen be amended by striking out the word "five" in line three and inserting in lieu thereof the word "ten."

Construction of Act.

SEC. 2. That nothing in this Act shall be construed to repeal or in any way modify any provision in any special Act fixing the fees of coroners in any particular county or groups of counties.

SEC. 3. That this Act apply only to Lenoir County.

Application of  
Act.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1941.

H. B. 378

## CHAPTER 85

AN ACT TO MAKE AN EQUITABLE DISTRIBUTION BETWEEN THE STATE OF NORTH CAROLINA AND THE LOCAL GOVERNMENTS THEREIN OF PAYMENTS RECEIVED FROM THE TENNESSEE VALLEY AUTHORITY UNDER SECTION THIRTEEN OF THE ACT CREATING THE AUTHORITY AS AMENDED BY THE SEVENTY-SIXTH CONGRESS, IN LIEU OF TAXES LOST ON THE PROPERTY ACQUIRED BY THE SAID AUTHORITY.

WHEREAS, the Tennessee Valley Authority, hereinafter referred to as the Authority, has now acquired properties and is operating in the State of North Carolina; and

Preamble:  
T.V.A. operating  
in State.

WHEREAS, Section thirteen of the Act of the Congress of the United States creating the Authority, and as amended, provides for the payment to the several states and local governments in which the power operations of the Authority are carried on and in which the Authority has acquired properties previously subject to state and local taxation, of a certain portion of the gross proceeds derived from the sale of power by the Authority in lieu of taxation by the states and local governments; and

Payments to  
State and local  
governments in  
lieu of taxes,  
authorized by  
Congress.

WHEREAS, it is desired to fix and make certain an equitable basis upon which said payments may be divided between the State of North Carolina and the several local governments in which the Authority now or shall hereafter operate and/or own property: Now, therefore,

Basis for dividing  
payments be-  
tween State and  
local units, de-  
sired.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the payments received by the State and local governments from the Authority in lieu of taxes under Section thirteen of the Act creating it, and as amended, shall be apportioned between the State and the local governments in which the property is owned or an operation is carried on, on the basis of the percentage of loss of taxes to each, determined as hereinafter provided: Provided, however, that the minimum annual payment to any local government from said fund, includ-

Apportionment of  
T.V.A. payments  
in lieu of taxes  
between State  
and local units.



Minimum pay-  
ment to local  
units.

ing the amounts paid direct to said local government by the Authority, shall not be less than the amount of annual actual tax loss to such local government based upon the two year average of taxes on said property next prior to its being taken over by the Authority.

Determination of  
amount of taxes  
lost by virtue of  
T.V.A. operation  
of property.

SEC. 2. The State Board of Assessment shall determine each year, on the basis of current tax laws, the total taxes that would be due to both the State of North Carolina and the local governments in the same manner as if the property owned and/or operated by the Authority were owned and/or operated by a privately owned public utility: Provided, however, in making said calculations the State Board of Assessment shall use the tax rate fixed by the local government unit and taxing district involved for the tax year next preceding such calculations. The State Board of Assessment and the Treasurer of the State of North Carolina shall then prorate the funds received from the Authority by the State and local governments between the State and local governments upon the basis of the foregoing calculations.

Proration of  
funds received  
from T.V.A.

Distribution of  
funds by State  
Treasurer.

SEC. 3. The Treasurer of the State of North Carolina shall then ascertain the payments to be made to the State and local governments upon the basis of the provisions of the foregoing section and he is authorized and directed to distribute the same between the State and local governments in accordance with the foregoing provisions of Section two. The Treasurer of the State of North Carolina is further authorized and directed to pay said sums to the State and local governments each month or so often as he shall receive payments from the Authority, but not more often than once each month, after first deducting from any sum to be paid a local government such amount as has theretofore been paid direct to said local government by the Authority for the same period: Provided, however, that the minimum annual payment to any local government from said fund shall not be less than the average annual tax on the property taken by the Authority for the two years next preceding the taking.

Time of pay-  
ments.

Minimum annual  
payments to lo-  
cal units.

Duty of County  
Accountant, etc.

SEC. 4. The county accountant or other proper officer of each local government to which this Act is applicable shall:

Certification of  
tax rate.

(a) Certify to the State Board of Assessment and the Treasurer of the State of North Carolina the tax rate fixed by the governing body of such local government immediately upon the fixing of the same;

Certification of  
statement of  
sums received  
direct from  
T.V.A.

(b) certify each month to the Treasurer of the State of North Carolina a statement of the amount received by the local government direct from the Authority. No local government shall be entitled to receive its distributive share of said fund from the Treasurer of the State of North Carolina until the

foregoing information has been properly furnished. If any such local government shall fail to furnish the information herein required within ten days from and after receipt by it from the State Board of Assessment of request for the same, forwarded by registered mail, then and in that event it shall be barred from participating in the benefits provided for the period for which the same is requested.

Effect of failure of local unit to furnish information.

SEC. 5. Any local governments within the State in which the Authority now or may hereafter own property or carry on an operation shall be entitled to the benefits arising under this Act from and after its ratification: Provided, however, that no payment shall be made to them by the Treasurer of the State of North Carolina until such time as such local governments shall have certified to the State Board of Assessment and the Treasurer of the State of North Carolina the average annual tax loss it has sustained by the taking of said property for the two years immediately preceding the taking thereof: Provided, further, that in the event of any disagreement between said local governments and the Treasurer of the State of North Carolina as to such annual tax loss, then the same shall be determined by the State Board of Assessment, and its decision thereon shall be final.

Local units entitled to benefits.

Prerequisite for payments to local units.

Determination of annual tax loss, upon disagreement between Treasurer and local units.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1941.

## S. B. 37

## CHAPTER 86

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWENTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE AUTHORIZING THE ISSUANCE OF BONDS IN THE SUM OF SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) TO ESTABLISH A SANATORIUM IN EASTERN NORTH CAROLINA FOR THE TREATMENT OF TUBERCULOSIS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four of Chapter three hundred and twenty-five of the Public Laws of North Carolina of one thousand nine hundred and thirty-nine be and the same hereby is amended by striking out the proviso in said section after the colon, which reads as follows: "Provided, however, the total of such expenditures shall not exceed the sum of two hundred and fifty thousand (\$250,000.00) dollars hereafter appropriated."

Sec. 4, Ch. 325, Public Laws, 1939, amended, striking out limitation on expenditures for T.B. sanatorium.

Sec. 7, rewritten.

SEC. 2. That Section seven of said Chapter three hundred and twenty-five be and the same hereby is repealed and the following shall be substituted in lieu thereof:

Appropriation for construction of tuberculosis sanatorium.

"SEC. 7. That for the purpose of securing a site or sites and purchasing, renovating, remodeling, or erecting the necessary buildings for the Eastern North Carolina Sanatorium for the Treatment of Tuberculosis there is hereby appropriated the sum of six hundred thousand (\$600,000.00) dollars, or so much thereof as may be necessary, as found by the Board of Directors, which is hereby denominated as a building fund, said sum to be raised by the issuance of bonds of the State of North Carolina in the sum of six hundred thousand (\$600,000.00) dollars, or so much thereof as may be needed, as found by the Board of Directors: Provided, however, that said bonds shall be issued and sold by the State Treasurer, at the request of said Board of Directors and by and with the consent of the Governor and Council of State. The said bonds so issued shall be in such denomination, form, maturities, and shall bear such interest rate and carry such provision for retirement thereof as may be determined by the Governor and Council of State. Upon the sale of said bonds the proceeds from such sale shall be deposited with the Treasurer of the State of North Carolina for the credit of the building fund of the Eastern North Carolina Sanatorium for the Treatment of Tuberculosis, and shall be by the said treasurer disbursed from time to time as needed in connection with the purchase of such site and the building and equipment of said sanatorium; provided, actual construction shall not be started until, in the opinion of the Governor such construction will not interfere with or compete with the program of National Defense."

Bond issue authorized.

Issuance and sale of bonds.

Denomination, form, maturities, etc.

Custody and disbursement of bond proceeds.

Commencement of construction.

Sec. 8, amended.

SEC. 2 A. That Section eight of said Chapter three hundred and twenty-five be and the same is hereby amended by adding at the end of said section the following sentence: "The coupons of said bonds after maturity shall be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the State of any kind whatsoever."

Bond coupons receivable in payment of obligations to State.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1941.

H. B. 353

## CHAPTER 87

AN ACT TO AMEND SECTION TWO THOUSAND THREE HUNDRED AND FIFTEEN OF THE CONSOLIDATED STATUTES, VOLUME THREE, ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR, AS AMENDED BY CHAPTER ONE HUNDRED AND FORTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE DRAWING OF JURIES IN WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the proviso appearing in Section one of Chapter one hundred and forty of the Public Laws of one thousand nine hundred and thirty-nine, the same being an amendment to Section two thousand three hundred and fifteen of the Consolidated Statutes, Volume three, one thousand nine hundred and twenty-four, be, and the same is hereby, amended to read as follows:

Ch. 140, Public Laws, 1939, (C.S. 2315), amended as to drawing of jury panel, Wayne County.

“Provided, that in Wayne County the forty-two scrolls required by this section shall be drawn only at the January and July criminal terms of court; at all other times thirty-six scrolls shall be drawn from the jury box for each week.”

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1941.

H. B. 354

## CHAPTER 88

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, AS AMENDED BY CHAPTER ONE HUNDRED AND TWENTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO COURT COSTS IN WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter one hundred and fifty-six of the Public Laws of one thousand nine hundred and twenty-seven, as amended by Chapter one hundred and twenty of the Public Laws of one thousand nine hundred and thirty-seven, be, and the same is hereby, amended by inserting in the sixth line of subsection (c) thereof, after the word “be” and before the word “empaneled,” the words “demanded or.”

Ch. 156, Public Laws, 1927, amended, as to jury fee in criminal actions, Wayne County.

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1941.

## H. B. 455

## CHAPTER 89

AN ACT TO AMEND CHAPTER ONE HUNDRED OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, AS AMENDED, TO CONFER ADDITIONAL POWERS ON THE SANITARY DISTRICT BOARDS IN CASWELL COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 100, Public  
Laws, 1927,  
amended.

SECTION 1. That Chapter one hundred of the Public Laws of one thousand nine hundred and twenty-seven, as amended, in so far as the same is applicable to Caswell County, be further amended by adding thereto a new subsection to be numbered Subsection twenty-four (b) and to read as follows:

Powers of Sanitary District  
Boards, Caswell  
County.

"SEC. 24 (b). The powers conferred on municipal corporations by Sections 2638, 2639, 2641, 2642, 2673, 2674, and 2676, of the Consolidated Statutes of 1919, are hereby conferred on, and may be exercised by, the Sanitary District Boards of Caswell County."

Application of  
Act.

SEC. 2. That this Act shall apply only to Caswell County.

Conflicting laws  
repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1941.



H. B. 456

## CHAPTER 90

AN ACT TO AMEND SECTION FOUR THOUSAND FOUR HUNDRED AND TEN OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, TO PERMIT THE TAX COLLECTOR AND DEPUTY TAX COLLECTORS OF CASWELL COUNTY TO CARRY ARMS WHEN ON OFFICIAL DUTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four thousand four hundred and ten of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be further amended by striking out the period at the end and inserting a colon in lieu thereof and by adding the following:

C.S. 4410,  
amended.

“Provided, the tax collector and deputy tax collectors of Caswell County may carry arms, concealed or otherwise, during the time they are engaged in the performance of their official duties.”

Tax collector and deputies, Caswell County, authorized to carry arms.

SEC. 2. That this Act shall apply only to Caswell County.

Application of Act.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1941.

H. B. 521

## CHAPTER 91

AN ACT TO AMEND CHAPTER THREE HUNDRED AND THIRTY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO ASSISTANT CLERKS OF SUPERIOR COURT, SO AS TO MAKE SAID LAW APPLICABLE TO GUILFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter three hundred and thirty-one of the Public Laws of one thousand nine hundred and thirty-seven be and the same is hereby amended by striking out the period at the end of Section two and inserting the words, “and Guilford County.”

Ch. 331, Public Laws, 1937, relating to Assistant Clerks of Superior Court, amended, to apply to Guilford County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1941.

H. B. 595

## CHAPTER 92

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND NINETEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, CHAPTER NINETEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AND CHAPTER TWO HUNDRED OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO THE DRAWING OF JURORS IN ASHE COUNTY AND TO PLACE ASHE COUNTY UNDER THE PROVISIONS OF THE STATE-WIDE LAW REGULATING THE DRAWING OF JURORS.

*The General Assembly of North Carolina do enact:*

Ch. 319, Public-Local Laws, 1935; Ch. 19, Public Laws, 1937; Ch. 200, Public Laws, 1937; repealed.

SECTION 1. Chapter three hundred and nineteen of the Public-Local Laws of one thousand nine hundred and thirty-five, Chapter nineteen of the Public Laws of one thousand nine hundred and thirty-seven, and Chapter two hundred of the Public Laws of one thousand nine hundred and thirty-seven relating to the drawing of jurors in Ashe County are hereby repealed.

Art. I, Ch. 45, C.S., made applicable to Ashe County.

SEC. 2. The provisions of Article one of Chapter forty-five of Volume one of the Consolidated Statutes of North Carolina the same being the general law applicable to the drawing of jurors are hereby made applicable to Ashe County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1941.

S. B. 44

## CHAPTER 93

AN ACT TO PROVIDE STATE AID FOR PUBLIC LIBRARIES IN NORTH CAROLINA.

Preamble: Constitutional provisions relating to public education.

WHEREAS, it is provided in the Constitution of the State that religion, morality and knowledge being necessary to good government and happiness of mankind, schools and means of education shall forever be encouraged, and that the people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right; and

Maintenance of public libraries, part of educational program.

WHEREAS, the establishment and maintenance of public libraries is an integral part of the educational program of a great State: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. It is hereby declared the policy of the State to promote the establishment and development of public library service throughout all sections of the State.

State policy as to public library service.

SEC. 2. For promoting, aiding and equalizing public library service in North Carolina the sum of one hundred thousand (\$100,000.00) dollars, annually, shall be and is hereby appropriated out of the monies within the State Treasury, not otherwise appropriated, which fund shall be known as the Public Library Service Fund.

Annual appropriation for public library service.

SEC. 3. The fund herein provided shall be administered by the governing board of the North Carolina Library Commission, which body shall frame by-laws, rules and regulations for the allocation and administration of said fund. The fund shall be used to improve, stimulate, increase and equalize public library service to the people of the whole State, and shall be used for no other purpose, except as herein provided, and shall be allocated among the counties of the State taking into consideration local needs, area and population to be served, local interest and such other factors as may affect the State program of public library service.

Administration of fund.

Purpose.

SEC. 4. For the necessary expenses of administration, allocation and supervision a sum not to exceed five per cent (5%) of the annual appropriation may annually be used by the North Carolina Library Commission.

Administration expenses.

SEC. 5. The fund appropriated under this Act shall be separate and apart from the appropriation to the general library commission fund, which fund shall not be affected by this Act or appropriation hereunder.

Fund separate from general library commission fund.

SEC. 6. The powers herein granted shall be in addition to and not in subrogation of, or repeal of, any power or authority now or heretofore granted to the North Carolina Library Commission.

Construction of Act.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1941.

S. B. 101

## CHAPTER 94

## AN ACT TO AUTHORIZE THE ISSUANCE OF BONDS AND NOTES OF THE STATE FOR THE CONSTRUCTION OF A BUILDING AND IMPROVEMENTS AT NORTH CAROLINA STATE COLLEGE OF AGRICULTURE AND ENGINEERING.

Preamble:  
Need for new  
building for  
School of Agri-  
culture, at State  
College.

WHEREAS, it is now very necessary that a new building on the campus of North Carolina State College of Agriculture and Engineering of the Greater University of North Carolina, at Raleigh, be constructed in order to house and properly care for the expanding activities of the School of Agriculture at said college; and

Estimated cost.

WHEREAS, the cost of the construction of a suitable building will amount to approximately three hundred thousand dollars (\$300,000.00), one half of the cost of construction of which will be met by the Works Progress Administration of the United States Government; and

F.F.S.A. occupy-  
ing college build-  
ing; annual  
rent, \$25,000.

WHEREAS, at the present time the Federal Farm Security Administration is occupying a building at said college and paying a net annual rental for the same the sum of twenty-five thousand dollars (\$25,000.00); and

Six years' rental  
sufficient to pay  
State's part of  
construction cost.

WHEREAS, this annual rental so paid would, over a period of six years, pay for the State's entire one half of the construction of such building: Now, therefore,

*The General Assembly of North Carolina do enact:*

\$150,000 appro-  
priated for new  
building at State  
College.

SECTION 1. That there is hereby appropriated the sum of one hundred and fifty thousand dollars (\$150,000.00), to be used for the construction of the building referred to in the preamble to this Act at the North Carolina State College of Agriculture and Engineering of the Greater University of North Carolina.

Issuance and sale  
of bonds author-  
ized.

SEC. 2. That for the purpose of providing funds for the above appropriation for the construction of the building herein referred to, the State Treasurer is hereby authorized and directed, by and with the consent of the Governor and Council of State, to issue and sell at one time, or from time to time, one hundred and fifty thousand dollars (\$150,000.00) bonds of the State.

Interest rate,  
maturity dates,  
etc.

SEC. 3. Said bonds shall bear such date or dates and such rate or rates of interest, not exceeding four per cent per annum, payable semi-annually, and shall mature at such time or times, not exceeding six years from their date or respective dates, as may be fixed by the Governor and Council of State.

Form, execution,  
and denomination.

SEC. 4. Said bonds shall carry interest coupons which shall bear the signature of the State Treasurer, or a facsimile thereof,

and said bonds shall be subject to registration and be signed and sealed as is now or may hereafter be provided by law for State bonds, and the form and denomination thereof shall be such as the State Treasurer may determine in conformity with this Act.

SEC. 5. Subject to determination by the Governor and Council of State as to the manner in which said bonds shall be offered for sale, whether by publishing notices in certain newspapers and financial journals or by mailing notices or by inviting bids by correspondence or otherwise, the State Treasurer is authorized to sell said bonds at one time or from time to time at the best price obtainable, but in no case for less than par and accrued interest.

Sale of bonds.

SEC. 6. The proceeds of said bonds and of the bond anticipation notes herein authorized (except the proceeds of bonds, the issuance of which has been anticipated by such bond anticipation notes) shall be placed by the State Treasurer in a special fund, to be designated as the "Fund for the Construction of an Additional Building at North Carolina State College of Agriculture and Engineering," and be disbursed only for the purpose provided in this Act upon warrants drawn by the State Auditor, which warrants shall not be drawn for this purpose until a requisition has been approved by the Director of the Budget, and which requisition shall be approved only after full compliance with the Executive Budget Act, Chapter one hundred of the Public Laws of one thousand nine hundred and twenty-nine. Any additional moneys which may be received by means of a grant or grants from the United States of America, or any agency or department thereof, to aid in financing the cost of the construction of the building herein referred to may be placed by the State Treasurer in the same fund or in a separate fund, and, to the extent permitted by the terms of such grant or grants, shall be disbursed in the same manner and for the purposes mentioned in this Act.

Custody of bond proceeds.

Disbursement of funds.

Custody and disbursement of funds received from U. S. Government.

SEC. 7. That the North Carolina State College of Agriculture and Engineering of the Greater University of North Carolina is hereby fully authorized and empowered to make application or applications to any agency or agencies of the United States of America for grants in aid for the construction of the building mentioned in this Act, and receive and expend the same in accordance with the terms of such grant and in conformity with the laws of this State, and may employ architects, engineers, and make all necessary contracts in connection with the said project. The Governor, or such agency or person as may be designated by him, is fully authorized and empowered to make application to and receive such grants in aid as may be made by any agency or agencies of the United States of America for the construction of the building referred to in this Act.

Application for grants-in-aid from U. S. Government.

College authorized to receive and expend such grants.

Governor authorized to apply for and receive grants-in-aid.



Issuance of notes authorized.

SEC. 8. By and with the consent of the Governor and Council of State, who shall determine the rate or maximum rate of interest and the date or approximate date of payment, the State Treasurer is hereby authorized to borrow money at the lowest rate of interest obtainable, and to execute and issue notes of the State for the same, but only in the following circumstances and under the following conditions:

Purposes:

Anticipation of sale of bonds.

(a) For anticipating the sale of any of said bonds to the issuance of which the Governor and Council of State shall have given consent, if the Treasurer shall deem it advisable to postpone the issuance of such bonds.

Payment of principal or interest of outstanding bonds.

(b) For the payment of interest upon or principal of any of said bonds then outstanding, if there shall not be sufficient funds in the State Treasury with which to pay such interest or principal as they respectively fall due.

Renewal of loan.

(c) For the renewal of any loan evidence by notes herein authorized.

Payment of bond sale anticipation notes.

SEC. 9. Notes issued in anticipation of the sale of said bonds shall be paid with funds derived from the sale of the bonds unless otherwise provided for by the General Assembly, and notes issued for the payment of interest or principal shall be paid from funds provided by the General Assembly for the payment of such interest or principal when such funds are collected. Interest payments upon said notes may be evidenced by interest coupons in the Treasurer's discretion.

Payment of notes for principal or interest of bonds.

Full faith, credit, and taxing power of State pledged.

SEC. 10. The full faith, credit and taxing power of the State are hereby pledged for the payment of the principal and interest of the bonds and notes herein authorized.

Notes and coupons receivable in payment of obligations to State.

SEC. 11. The coupons of said bonds and notes after maturity shall be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the State of any kind whatsoever.

Tax exemption.

SEC. 12. All of said bonds and notes and coupons shall be exempt from all State, county and municipal taxation or assessments, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, and the interest on said bonds and notes shall not be subject to taxation as for income, nor shall said bonds, or notes or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company, or other corporation.

Application of rental from F.F.S.A. to liquidation of bonds.

SEC. 13. That the annual net rental of twenty-five thousand dollars (\$25,000.00) which the North Carolina State College of Agriculture and Engineering now receives and will receive from the Federal Farm Security Administration as rental on buildings at the college shall be paid into the State Treasury, and

shall be applied to the liquidation and payment of the bonds herein provided for.

SEC. 14. It shall be lawful for all executors, administrators, guardians and fiduciaries generally, and all sinking fund commissioners, to invest any moneys in their hands in said bonds and notes.

Investment in bonds by fiduciaries, etc., authorized.

SEC. 15. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 16. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1941.

S. B. 166

## CHAPTER 95

AN ACT TO AMEND SECTION TWO THOUSAND FIVE HUNDRED AND TWO OF THE CONSOLIDATED STATUTES, INsofar AS THE SAME RELATES TO BLADEN COUNTY, REQUIRING THE RETURN OF MARRIAGE LICENSE WITHIN TEN DAYS AFTER THE CELEBRATION OF THE MARRIAGE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two thousand five hundred and two of the Consolidated Statutes, insofar as the same relates to Bladen County, be and the same is hereby amended by striking out in line fifteen of the form of marriage license under said section the words "sixty days" and inserting in lieu thereof the words "ten days."

C.S. 2502, Amended, changing form of marriage licenses, Bladen County.

SEC. 2. That this Act shall apply to Bladen County only.

Application of Act.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1941.

## S. B. 180

## CHAPTER 96

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY, PUBLIC LAWS OF NORTH CAROLINA, ONE THOUSAND NINE HUNDRED AND THIRTY - NINE, RELATING TO THE PUBLICATION OF LEGAL NOTICES AND OTHER LEGAL AND PUBLIC ADVERTISEMENTS IN THE CITY OF ROCKY MOUNT IN NASH AND EDGE-COMBE COUNTIES.

*The General Assembly of North Carolina do enact:*

Ch. 170, Public  
Laws, 1939,  
amended.

SECTION 1. That Chapter one hundred and seventy of the Public Laws of North Carolina, one thousand nine hundred and thirty-nine, be amended by adding at the end of Section one thereof, after the word "herein," the following:

Regulation of  
legal advertising  
in newspaper  
published in  
town located  
in two counties.

"Provided further, that where any city or town is located in two or more adjoining counties, any newspaper published in such city or town shall, for the purposes of this Act, be deemed to be admitted to the mails, issued and published in all such counties in which such town or city of publication is located, and every publication, advertisement or notice required to be published in any such city or town or in any of the counties where such city or town is located shall be valid if published in a newspaper published, issued and admitted to the mails anywhere within any such city or town, regardless of whether the newspaper's plant or the post office where the newspaper is admitted to the mails is in such county or not, if the newspaper otherwise meets the qualifications and requirements of this Act. This provision shall be retroactive to May first, one thousand nine hundred and forty, and all publications, advertisements and notices published in accordance with this provision since May first, one thousand nine hundred and forty, are hereby validated."

Validation of  
publications  
made since  
May 1, 1940.

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1941.

S. B. 188

## CHAPTER 97

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-FOUR, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, BEING AN ACT TO ABOLISH THE CORPORATION COMMISSION AND CREATE THE OFFICE OF UTILITIES COMMISSIONER AND TO PRESCRIBE AND DEFINE THE FUNCTIONS, POWERS, AND DUTIES OF SUCH UTILITIES COMMISSIONER.

*The General Assembly of North Carolina do enact:*

SECTION 1. The office of Utilities Commissioner created and provided for in Chapter one hundred and thirty-four, Public Laws of one thousand nine hundred and thirty-three, being entitled "An Act to Abolish the Corporation Commission and to Create the Office of Utilities Commissioner and to Prescribe and Define the Functions, Powers, and Duties of such Utilities Commissioner" is hereby abolished, and there is hereby created "The North Carolina Utilities Commission," which shall have all the rights, powers, authority, duties and jurisdiction of the Utilities Commissioner, or the Utilities Commissioner and the Associate Commissioners, prescribed in said Chapter one hundred and thirty-four, Public Laws of one thousand nine hundred and thirty-three, and any and all other existing laws prescribing duties, powers and jurisdiction of the office of Utilities Commissioner or Utilities Commissioner and Associate Commissioners.

Office of Utilities Commissioner abolished.

The North Carolina Utilities Commission created.

Powers and duties.

SEC. 2. The North Carolina Utilities Commission shall consist of three commissioners, who shall be appointed by the Governor, by and with the consent of the Senate. The term of office of each commissioner shall be six years, provided that the first three commissioners shall be appointed one for a term of six years, one for a term of four years, and one for a term of two years, and their successors shall be appointed for a term of six years.

Appointment of Commissioners.

Terms.

SEC. 3. The salary of the commissioners shall be as follows: Chairman, six thousand and six hundred dollars (\$6,600.00) per annum; commissioners, six thousand dollars (\$6,000.00) each per annum; and the term of office for each commissioner shall begin on the first day of February, beginning with one thousand nine hundred and forty-one, provided, however, that the two commissioners to be named to serve with the Chairman of the North Carolina Utilities Commission shall not draw salary until appointed and qualified.

Salaries.

SEC. 4. The present Utilities Commissioner is hereby named a Commissioner of the North Carolina Utilities Commission for a term of six years, beginning with February first, one thousand nine hundred and forty-one, and is hereby designated

Present Utilities Commissioner appointed to new Commission.

Chairman.

chairman of said commission, to hold such office during his term. Thereafter the Governor of the State of North Carolina is hereby vested with the right to designate the Chairman of the North Carolina Utilities Commission.

Application of  
other laws.

SEC. 5. Chapter one hundred and thirty-four, Public Laws of one thousand nine hundred and thirty-three, all Revenue and Machinery Acts of this State, and any and all other laws and clauses of laws amendatory thereof and supplemental thereto, and all laws and clauses of laws relating to the functions, powers, duties, rights and responsibilities of the office of Utilities Commissioner, or of Utilities Commissioner and Associate Commissioners, be, and they are, hereby amended so that all functions, powers, duties, rights and responsibilities prescribed to be done and performed by the Utilities Commissioner, or Utilities Commissioner and Associate Commissioners, shall hereafter be done and performed by the North Carolina Utilities Commission, and wherever in said Chapter one hundred and thirty-four of the Public Laws of one thousand nine hundred and thirty-three or other Act amendatory thereof reference is made to "Utilities Commissioner" or "Associate Commissioner" or "Utilities Commissioner and Associate Commissioners" or any other combination whatever, the aforesaid Chapter one hundred and thirty-four of the Public Laws of one thousand nine hundred and thirty-three is hereby amended by substituting "The North Carolina Utilities Commission," and wherever in any sentence or clause any pronoun or any other word is used referring to said Utilities Commissioner or Associate Commissioners, appropriate pronoun or reference word shall be substituted as the context may require to follow and carry out the purpose of this Act.

Substitution of  
terms in other  
laws.

Rules of practice.

SEC. 6. The North Carolina Utilities Commission hereby created shall formulate and promulgate rules of practice, including rules for hearings by one or more members of the commission or employees of the commission, provided that as to any hearing before less than the full commission or an employee of the commission the rules shall provide for a proposed report, exceptions to said report and a final hearing before the full commission upon the record, including the exceptions.

Procedure after  
hearing before  
less than full  
Commission.

Adoption  
and use of  
seal.

SEC. 7. The North Carolina Utilities Commission shall adopt a seal, and the same shall be used wherever by reason of Chapter one hundred and thirty-four, Public Laws of one thousand nine hundred and thirty-three, the seal of the Utilities Commissioner is prescribed, required or proper.

Pending cases  
determined by  
new Commission.

SEC. 8. All cases pending before the Utilities Commissioner upon the ratification of this Act shall be determined by the North Carolina Utilities Commission.

Delivery of  
records to new  
Commission.

SEC. 9. All of the records of the office of the Utilities Commissioner shall be turned over and delivered to the North Caro-



lina Utilities Commission, and all of the employees of the office of the Utilities Commissioner shall become employees of the North Carolina Utilities Commission, subject to the right of the commission thereafter to name and control its employees.

Status of present employees.

SEC. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1941.

H. B. 238

## CHAPTER 98

AN ACT TO AMEND SECTION ONE THOUSAND FOUR HUNDRED AND FORTY-THREE AS AMENDED, OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, RELATIVE TO THE JANUARY TERM OF THE SUPERIOR COURT IN MONTGOMERY COUNTY SO AS TO PROVIDE FOR THE TRIAL OF UNCONTESTED DIVORCE CASES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That part of Section one thousand four hundred and forty-three of Article six of Chapter twenty-seven of the Consolidated Statutes dealing with the terms of the Superior Court of Montgomery County be, and the same is hereby amended, to read as follows: "Montgomery - - - Sixth Monday before the first Monday in March for criminal cases: Provided, said term shall be return term for such civil process as may be returnable at term and for hearing motions on the civil docket, and for the trial of uncontested divorce actions, and any other civil cases requiring a jury may also be tried at said term by consent of the parties thereto. Fifth Monday after the first Monday in March, to continue for two weeks, for civil cases only. Eighth Monday before the first Monday in September; third Monday after the first Monday in September, and eighth Monday after the first Monday in September for civil cases; fourth Monday after the first Monday in September."

C.S. 1443, amended, as to Superior Court terms, Montgomery County.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be enforced from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1941.

## H. B. 314

## CHAPTER 99

## AN ACT TO AMEND THE MOTOR VEHICLE LAW RELATING TO OUT OF STATE MOTOR VEHICLES.

*The General Assembly of North Carolina do enact:*

Ch. 407, Public Laws, 1937, amended, as to temporary licenses for out-of-state vehicles.

SECTION 1. That Chapter four hundred and seven of the Public Laws of one thousand nine hundred and thirty-seven, Section forty-seven, Subsection (b), be and the same is hereby amended as follows: In line four of said subsection, after the words "North Carolina" and before the word "may" insert the following: "or operate in this State for a period not exceeding thirty days; provided, however, that this Act shall apply only to trucks and not in any event to passenger vehicles and station wagons."

Application of Act.

SEC. 2. That the provisions of this Act shall not apply to Wake, Buncombe, Pender, New Hanover, Lee, Catawba and Sampson Counties.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act be and the same are hereby amended so as to conform to this Act.

SEC. 4. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1941.

## H. B. 334

## CHAPTER 100

## AN ACT TO AUTHORIZE THE NORTH CAROLINA CAPE HATTERAS SEASHORE COMMISSION TO CONDEMN LAND FOR NATIONAL SEASHORE PURPOSES ACCORDING TO THE PROCEDURE CONTAINED IN THE PUBLIC WORKS EMINENT DOMAIN LAW, THE SAME BEING CHAPTER FOUR HUNDRED AND SEVENTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE.

*The General Assembly of North Carolina do enact:*

Condemnation proceedings by N. C. Cape Hatteras Seashore Commission, authorized.

SECTION 1. The North Carolina Cape Hatteras Seashore Commission is hereby authorized to institute proceedings for the condemnation of land for national seashore purposes under the procedure set forth in Chapter four hundred and seventy of the Public Laws of one thousand nine hundred and thirty-five, otherwise known as the Public Works Eminent Domain Law. This authority shall be in addition to and not in derogation of the power to condemn property granted to the commission

Supplemental authority.

by Section five of Chapter two hundred and fifty-seven of the Public Laws of one thousand nine hundred and thirty-nine.

SEC. 2. Proceedings authorized by this Act shall be instituted by the North Carolina Cape Hatteras Seashore Commission as petitioner, and title to the lands condemned shall be taken in the name of the State of North Carolina.

Petitioner in proceedings.

Title to land.

SEC. 3. In proceedings instituted under the authority of this Act, the petition, in lieu of the statement that the acquisition of the property is necessary for a public works project as provided by paragraph (c) of Section five of Chapter four hundred and seventy of the Public Laws of one thousand nine hundred and thirty-five, shall contain a statement that the acquisition of the property is necessary for the establishment of the Cape Hatteras National Seashore.

Statement in petition as to purpose of acquisition.

SEC. 4. Lands to which the State of North Carolina has by gift, purchase, or other means authorized by law previously acquired title may be included in and condemned in a proceeding under this Act; but the inclusion of such lands shall not be construed as an admission that the title of the State is defective and shall not in any way obligate the State to make additional compensation to the person from whom such lands have been acquired. The effect of inclusion of lands to which title has already been acquired in the name of the State shall be to require all persons claiming title or interest in such lands adverse to the State to appear and assert their claims or else be forever barred.

Condemnation of lands previously acquired by State.

Effect of including such lands in proceeding.

SEC. 5. The provisions of Sections eleven and twenty-five of Chapter four hundred and seventy of the Public Laws of one thousand nine hundred and thirty-five shall have no application to condemnation proceedings instituted by the North Carolina Cape Hatteras Seashore Commission.

Secs. 11 and 25, Ch. 470, Public Laws, 1935, not applicable.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1941.

H. B. 337

## CHAPTER 101

AN ACT TO PERMIT THE STATE SCHOOL COMMISSION TO OPERATE THE SCHOOL BUSES ONE DAY PRIOR TO THE OPENING OF THE PUBLIC SCHOOL TERM FOR THE PURPOSE OF ORGANIZING THE SCHOOL AND PROMOTING THE EFFICIENCY OF THE OPERATION OF THE SAME.

*The General Assembly of North Carolina do enact:*

Operation of school buses one day prior to school opening, authorized.

SECTION 1. The State School Commission is hereby empowered, in order to properly organize the public schools of the State, to operate the school buses one day prior to the opening of the regular school term for the purpose of registration of students, organizing classes, distributing textbooks, and such other purposes as will promote the efficient organization and operation of the public schools of the State. The costs of operating the same for said purpose, including the liability for workmen's compensation therewith, shall be paid out of State funds.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1941.

H. B. 356

## CHAPTER 102

AN ACT TO AMEND CONSOLIDATED STATUTES ONE HUNDRED AND EIGHT, VOLUME ONE, ONE THOUSAND NINE HUNDRED AND NINETEEN, RELATING TO THE COST OF GRAVESTONES WHICH MAY BE ERECTED BY EXECUTORS OR ADMINISTRATORS OF ESTATES.

*The General Assembly of North Carolina do enact:*

C.S. 108, amended.

SECTION 1. That Consolidated Statutes one hundred and eight, Volume one, one thousand nine hundred and nineteen, be, and the same is hereby, amended by striking out the period following the word "district" in line eleven, substituting a colon therefor, and adding the following:

Erection of gravestones by executors, etc., without court order.

"Provided, however, that if the net estate is of a value in excess of fifteen thousand dollars (\$15,000.00), the executor or administrator may, in his discretion, expend not more than five hundred dollars (\$500.00) for this purpose without securing the order of court required herein."

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1941.

H. B. 361

### CHAPTER 103

#### AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVENTEEN RELATING TO MUNICIPAL CORPORATIONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Subchapter XIII of Chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and seventeen, be and the same is hereby amended by adding at the end of paragraph (c) of said section (being Section two thousand eight hundred and twenty-six of the Consolidated Statutes), the following:

Ch. 136, Public Laws, 1917, (C.S. 2826), amended.

"The governing body may also provide that the city clerk shall have the powers and perform the duties of city treasurer, such powers and duties to be prescribed from time to time by the governing body and to be in addition to all powers and duties as may be prescribed by law, and in such event the city clerk shall be known as the 'city clerk and treasurer.' The powers conferred by the next preceding sentence are in addition to and not in substitution for those conferred by any other act, whether general, special, private or local, and every municipality may proceed under the provisions of said next preceding sentence, notwithstanding any conditions, restrictions or limitations contained in any other act, whether general, special, private or local."

Municipalities authorized to provide performance of city treasurer's functions by clerk.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1941.



H. B. 386

## CHAPTER 104

AN ACT TO AMEND SECTION ONE THOUSAND SEVEN HUNDRED AND EIGHTY-NINE OF VOLUME ONE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND NINETEEN, RELATING TO ITEMIZED AND VERIFIED ACCOUNTS AS EVIDENCE.

*The General Assembly of North Carolina do enact:*

C.S. 1789, amended, as to itemized, verified accounts for rents, as evidence.

SECTION 1. That Section one thousand seven hundred and eighty-nine of Volume one of the Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen be, and the same hereby is, amended by adding after the comma following the word "delivered" and before the word "for" in line two thereof the following: "for rents,".

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1941.

H. B. 404

## CHAPTER 105

AN ACT TO AMEND CHAPTER FIFTY-SEVEN, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO THE APPOINTMENT OF COUNTY ELECTRICAL INSPECTORS.

*The General Assembly of North Carolina do enact:*

Ch. 57, Public Laws, 1937, amended, as to appointment of county electrical inspectors.

SECTION 1. That Chapter fifty-seven Public Laws of one thousand nine hundred and thirty-seven be, and the same is hereby amended by striking out the word "an" after the word "appoint" and before the word "electrical" in line six (6) of said chapter and inserting in lieu thereof the words "one or more" and by adding the letter "s" to the word "inspector" in the same line of said chapter.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1941.

H. B. 586

## CHAPTER 106

AN ACT TO AMEND SECTION TWO THOUSAND EIGHT HUNDRED AND SIX (i) OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA SO AS TO AUTHORIZE MUNICIPALITIES IN DAVIE COUNTY TO FIX AND COLLECT SEWERAGE SERVICE CHARGES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two thousand eight hundred and six (i) of the Consolidated Statutes, as amended, be and the same is hereby further amended by striking out, in line seventeen thereof, the words "and Davie" between the words "Mecklenburg" and "Provided, however."

C.S. 2806(i) amended, authorizing municipalities in Davie County to fix and collect sewerage charges.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1941.

H. B. 13

## CHAPTER 107

AN ACT TO MAKE APPROPRIATIONS FOR THE MAINTENANCE OF THE STATE'S DEPARTMENTS, BUREAUS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

## GENERAL FUND

SECTION 1. The appropriations out of the General Fund of the State for the maintenance of the State's departments, bureaus, institutions, and agencies, and for other purposes as enumerated are hereby made for the two fiscal years ending June thirtieth, one thousand nine hundred and forty-two and June thirtieth, one thousand nine hundred and forty-three, respectively, according to the following schedule:

Biennial appropriations.

## I. LEGISLATIVE

Legislative.

	1941-42	1942-43
1. General Assembly (Session of 1943) .....	\$ .....	\$ 192,500

## II. JUDICIAL

Judicial.

1. Supreme Court — Justices .....	\$ 63,350	\$ 63,350
2. Supreme Court — Departmental Expenses .....	31,307	31,307

	1941-42	1942-43
3. Supreme Court — Printing Reports and Reprints .....	\$ 16,000	\$ 16,000
4. Superior Courts — Judges .....	239,568	239,568
5. Superior Courts — Solicitors .....	105,000	105,000

Executive and  
Administrative.

## III. EXECUTIVE AND ADMINISTRATIVE

1. Governor's Office:		
(1) Governor's Office .....	\$ 32,183	\$ 32,083
(2) The Budget Bureau .....	34,835	39,385
(3) Division of Purchase and Contract .....	29,770	30,170
(Transfers may be made to and/or from Titles III-I-(1), (2), and (3) by the Governor in his discretion).		
2. Secretary of State .....	28,603	30,078
3. State Auditor .....	53,715	54,115
4. State Treasurer .....	47,750	47,850
5. Department of Justice:		
(1) Attorney General .....	37,800	39,175
(2) Criminal Statistics .....	4,740	4,740
(3) Bureau of Investigation .....	51,655	51,655
(4) Printing Revised Code .....		7,500
6. Department of Revenue .....	603,235	596,635
7. Department of Public Instruction .....	94,527	94,327
8. Historical Commission .....	23,220	23,220
9. State Library .....	13,345	11,845
10. Library Commission .....	18,399	18,399
11. Board of Charities and Public Welfare:		
(1) Board of Charities and Public Welfare .....	163,070	163,070
(2) For use of Eugenics Board .....	1,565	1,665
12. State Board of Health:		
(1) State Board of Health .....	326,150	363,150
(2) Laboratory of Hygiene .....	65,848	65,533
13. Adjutant General .....	53,391	53,391
14. Utilities Commission:		
(1) Utilities Commission .....	22,151	23,226
(2) Public Utilities, Bus and Railroad Freight Rates Investigations .....	20,000	25,000
15. Insurance Department .....	63,546	64,546
16. Department of Labor:		
(1) Department of Labor .....	86,177	85,689
(2) Board of Boiler Rules .....	1,500	1,500
(3) Industrial Commission .....	57,520	56,667

	1941-42	1942-43
17. Department of Conservation and Development:		
(1) Department of Conservation and Development .....	\$ 292,940	\$ 292,940
(2) Commercial Fisheries .....	20,000	20,000
18. State Board of Elections .....	9,840	9,930
19. Local Government Commission .....	31,414	30,504
20. Department of Agriculture:		
(1) Weights and Measures .....	21,010	21,010
(2) Credit Unions .....	4,000	3,000
21. Board of Public Buildings and Grounds:		
(1) Buildings and Grounds .....	120,400	119,377
(2) Governor's Mansion .....	11,097	11,097
22. State Board of Alcoholic Control .....	41,170	41,170
23. Unemployment Compensation Commission including the Employment Service .....	75,000	75,000
24. State Commission for the Blind .....	40,521	41,381
25. Rural Electrification Authority .....	13,530	13,530

## IV. EDUCATIONAL INSTITUTIONS

Educational  
Institutions.

1. University of North Carolina (Consolidated) .....	\$ 1,552,675	\$ 1,582,519
(The appropriations under Title IV-1 include the University at Chapel Hill and State College of Agriculture and Engineering and North Carolina College for Women as formerly designated and known.)		
2. Experiment Station—State College .....	175,150	139,150
3. Coöperative Agricultural Extension — State College .....	145,000	150,000
4. East Carolina Teachers College .....	150,176	136,729
5. Negro Agricultural and Technical College .....	81,206	74,396
6. Western Carolina Teachers College .....	81,509	84,840
7. Appalachian State Teachers College .....	121,391	109,753
8. Cherokee Indian Normal School .....	37,160	35,510
9. Winston-Salem Teachers College (Colored) .....	49,978	45,758
10. Elizabeth City State Teachers College (Colored) .....	29,463	26,224
11. Fayetteville State Teachers College (Colored) .....	34,765	35,615
12. North Carolina College for Negroes .....	118,030	125,717

	1941-42	1942-43
13. North Carolina School for the Deaf .....	\$ 145,285	\$ 141,335
14. State School for the Blind and the Deaf:		
(1) State School for the Blind and the Deaf .....	143,967	141,993
(2) Blind Student Aid .....	2,400	2,400

Charitable and  
correctional  
institutions.

#### V. CHARITABLE AND CORRECTIONAL INSTITUTIONS

1. State Hospital at Raleigh .....	\$ 462,337	\$ 387,782
2. State Hospital at Morganton .....	450,374	464,864
3. State Hospital at Goldsboro .....	284,609	285,662
4. Caswell Training School .....	208,282	172,240
5. North Carolina Orthopedic Hospital .....	114,242	110,311
6. North Carolina Sanatorium:		
(1) North Carolina Sanatorium .....	215,472	178,757
(2) Extension Bureau .....	27,070	27,070
7. Western North Carolina Sanatorium .....	111,597	110,430
8. Stonewall Jackson Training School .....	130,858	132,969
9. State Home and Industrial School for Girls .....	68,248	65,010
10. Morrison Training School (Colored) .....	53,613	52,473
11. Eastern Carolina Training School .....	42,189	42,457
12. State Industrial Farm Colony for Women .....	27,125	23,249
13. North Carolina Soldiers' Home:		
(1) Confederate Cemetery .....	350	350
14. Confederate Womens' Home .....	11,146	11,697
15. Oxford Orphanage .....	30,000	30,000
16. Oxford Colored Orphanage .....	30,000	30,000
(The appropriations under Titles V-15 and 16 are to institutions not owned by the State, and are grants in aid.)		

State aid and  
obligations.

#### VI. STATE AID AND OBLIGATIONS

1. Retirement Teachers and State Employees:		
(1) Administration .....	\$ 50,000	\$ 30,000
(2) State's Contribution .....	1,509,076	1,509,076
2. Board of Charities and Public Welfare:		
(1) Care Dependent Children .....	7,500	7,500
(2) Old Age Assistance, \$1,500,000		
Less: Unexpended Appropriation 1939-41 .....	471,237	
Old Age Assistance—Net .....	1,028,763	1,500,000



	1941-42	1942-43
(3) Aid to Dependent Children .....		
Children .....	\$ 525,000	
Less: Unexpended Appropriation 1939-41 .....	24,894	
Aid to Dependent Children—Net...	\$ 500,106	\$ 525,000
(4) Aid to County Welfare Administration .....	150,000	150,000
3. Board of Health for Orthopedic Clinics .....	6,000	6,000
4. Industrial Rehabilitation .....	10,000	10,000
5. Fugitives from Justice .....	2,500	2,500
6. Indemnity Diseased Slaughtered Livestock:		
(1) Tuberculosis and Glanders .....	500	500
(2) Bangs Disease .....	25,000	20,000
7. Landscip Fund .....	7,500	7,500
8. Firemen's Relief .....	1,750	1,750
9. Bennett Memorial .....	50	50
10. Confederate Museum .....	200	200
11. Blind Aid .....	110,480	110,480
12. Civilian Rifle Practice .....	200	200
13. Department of Agriculture:		
(1) Japanese Beetle Control .....	12,500	12,500

## VII. PENSIONS

Pensions.

1. Confederate Veterans and Widows...	\$ 236,850	\$ 213,225
2. Olivia B. Grimes .....	600	600
3. Annie Burgin Craig .....	1,200	1,200
4. Mrs. C. B. Aycock, Sr. ....	1,200	1,200
5. Mrs. W. W. Kitchin .....	1,200	1,200

## VIII. CONTINGENCY AND EMERGENCY

Contingency and emergency.

1. To provide for contingency and emergency expenditures for any purpose authorized by law for which no specific appropriation is made, or for which inadvertently an insufficient appropriation has been made hereunder. Allotments to be made from this appropriation under the provision of Section thirteen of Chapter one hundred of the Public Laws of one thousand nine hundred and twenty-nine, or of Chapter two hundred and seven of the Public Laws of one thousand nine hundred and twenty-five, or of such other statute as may be applicable .....	\$ 500,000	\$ 500,000
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Purpose stated.

## Public Schools.

## IX. PUBLIC SCHOOLS

	1941-42	1942-43
1. Support of Eight - Months Term Public Schools .....	\$28,158,324	\$29,454,233
2. Vocational Education .....	600,000	710,000
3. Adult Education .....	30,000	30,000
4. Purchase of Free Textbooks .....	200,000	200,000
5. State School Commission .....	64,000	64,000

Debt service,  
General Fund.

## X. DEBT SERVICE

## (General Fund)

1. Interest on Bonds .....	\$ 2,248,771	\$ 2,159,144
2. Sinking Fund Installments .....	271,320	271,320
3. Redemption of Bonds .....	2,275,000	2,552,000

Agriculture  
Fund.

## AGRICULTURE FUND

SEC. 2. The appropriation out of the Agriculture Fund of the State for maintenance of agricultural activities are hereby made for the two fiscal years ending June thirtieth, one thousand nine hundred and forty-two and June thirtieth, one thousand nine hundred and forty-three, respectively, according to the following schedule:

## XI. AGRICULTURE

Department of  
Agriculture.

	1941-42	1942-43
1. Department of Agriculture .....	\$ 595,370	\$ 584,230
2. State Fair:		

Increase in  
appropriations.

(The appropriations under Title XI-1 may be increased under authorization by the Director of the Budget as realized receipts of the Agriculture Fund may justify. The State Fair under Title XI-2 may be operated within its own receipts in the discretion of the State Board of Agriculture.)

## State Fair.

Highway and  
Public Works  
Fund.

## HIGHWAY AND PUBLIC WORKS FUND

SEC. 3. The appropriations out of the Highway and Public Works Fund of the State for the expense of collecting revenues, for the service of the highway debt, and for the maintenance of the highway activities, are hereby made for the two fiscal years ending June thirtieth, one thousand nine hundred and forty-two and June thirtieth, one thousand nine hundred and forty-three, respectively, according to the following schedule:

Highway and  
Public Works.

## XII. HIGHWAY AND PUBLIC WORKS

	1941-42	1942-43
1. Highway and Public Works Commission-Administration .....	\$ 175,000	\$ 175,000
2. Motor Vehicle Bureau .....	487,883	487,883

	1941-42	1942-43
3. Highway Patrol, Drivers Licenses and Safety Promotion .....	\$ 812,246	\$ 787,246
4. Maintenance of State Highways: (1) Regular Maintenance .....	4,000,000	4,000,000
5. Maintenance and/or Construc- tion County Highways: (1) Current Maintenance and Con- struction .....	8,000,000	8,000,000
6. Betterments State and County Roads: (1) General Betterments .....	3,000,000	3,000,000
(2) Retreatments .....	1,800,000	1,800,000
7. Construction State and County Highways: (1) Current Construction .....	3,600,000	3,600,000
(2) To Standardize Obsolete Roads .....	1,000,000	1,000,000
8. Scenic Parkway .....	200,000	150,000
9. Maintenance of Highways in Cities and Towns .....	1,000,000	1,000,000
10. Deficit under Federal Construction .....	150,000	-----
11. Probation Commission .....	92,750	95,160
12. Parole Commission .....	87,370	87,370
13. Bus Investigation .....	20,000	20,000

## XIII. DEBT SERVICE—(HIGHWAY FUND)

1. Interest on Bonds .....	\$ 3,040,040	\$ 2,836,603
2. Sinking Fund Installments .....	500,000	500,000
3. Redemption of Bonds .....	4,700,000	4,750,000
4. County Loan Repayments .....	87,600	33,880
(Transfers or changes may be made to and/or from Titles XII-4, 5, 6, 7, and 8 under author- ization by the Director of the Bud- get: Provided, no item shall be re- duced more than fifteen per cent (15%).)		

Debt service,  
Highway Fund.Transfers or  
changes.Reduction  
limited.

(It is the intent and purpose of the General Assembly that the appropriations herein provided shall not exceed the available revenue of the State Highway Fund, and to this end the Director of the Budget shall cause a careful survey to be made of highway revenues; and if it shall appear at the end of the first year of the biennium that there is not a reasonable assurance of sufficient highway revenue available for the second year of the biennium to provide for the items covered in this Appropriation Bill, the Director of the Budget shall reduce the appropriations of items covered by Titles XII-four, five, six and

Appropriations  
not to exceed  
Highway Fund  
revenue.

Survey ordered.

Reduction in  
event of  
deficiency.

seven, in such amounts as will insure the balancing of the highway budget by the end of the biennium).

Disposition of surplus.

(Provided, in the event the receipts and/or increments to the Highway Fund shall be more than the appropriations herein made, such excess may be made available by the Director of the Budget for expenditures either in the current or next succeeding year under Titles XII-five and six).

Preference to secondary roads.

(Provided further, that preference shall be given what is commonly known as secondary roads in the expenditure of any such increased appropriations).

Preference for sections not accorded equal opportunity in development of highway system.

(Provided, however, that it is the intent and purpose of the General Assembly that the State Highway and Public Works Commission shall give preference in the expenditure of the items of construction and State and county betterments for the extension and improvement of the public roads and bridge facilities of those sections of the State that have not heretofore been accorded equal opportunities in the development of the highway system, to the end that all sections of the State may, insofar as possible, be provided with benefits of an improved highway system).

Appropriations to Motor Vehicle Bureau, etc., payable to Revenue Department.

(The appropriations to the Motor Vehicle Bureau, Highway Patrol, and Drivers' License Law include sixteen thousand dollars (\$16,000) for each year, to be transferred or paid to the Department of Revenue for general administration and supervision).

Purpose of appropriation under Title XII-seven-(1).

(The appropriation under Title XII-seven-(1) for construction of State and county highways is for the purpose of matching Federal aid appropriations for construction of highways, provided, however, that in the event the Federal appropriations are not available the Director of the Budget may authorize the expenditure of the appropriation for construction of highways).

Special appropriation for care of criminally insane.

(The appropriations made herein to Titles XII-four and five, include twenty-five thousand dollars (\$25,000) for each year, to be transferred or paid to the State Hospital at Raleigh, and include eighteen thousand dollars (\$18,000) for each year to be transferred or paid to the State Hospital at Goldsboro for care, custody, and treatment of the criminally insane, and include twenty-one thousand and nine hundred dollars (\$21,900) for each year to be transferred or paid to the North Carolina Sanatorium for care, custody, and treatment of the prisoners who have tuberculosis).

Special appropriation for treatment of prisoners with tuberculosis.

Policy as to transfer of Highway Funds to General Fund.

SEC. 4. The Revenue Act of the one thousand nine hundred and thirty-nine General Assembly placed a tax of three per cent (3%) upon the retail sales of gasoline, together with other commodities, thereby raising approximately the amount, arbitrarily at one time transferred from the Highway Fund to the

General Fund and the same shall be taken and considered to be in full compliance with the policy set forth under Section four of the Appropriation Act of one thousand nine hundred and thirty-three.

SEC. 5. Fees or compensation to be paid to members of boards or commissions for attendance out of or under the appropriations made in Sections one, two and three of this Act shall be fixed at rates per diem as shown in the following schedule:

Per diem rates and travel expenses for certain board and commission members.

Advisory Budget Commission, seven dollars (\$7.00) and necessary travel expenses.

State School Commission, seven dollars (\$7.00) and necessary travel expenses.

Highway and Public Works Commission, seven dollars (\$7.00) and necessary travel expenses.

State Board of Alcoholic Control, seven dollars (\$7.00) and necessary travel expenses.

State Board of Agriculture, seven dollars (\$7.00) and necessary travel expenses.

State Board of Health, seven dollars (\$7.00) and necessary travel expenses.

All other boards and commissions, including those governing the institutions, but not including such as its members are now serving without compensation, three dollars and fifty cents (\$3.50) per day and five cents (5c) per mile of travel going and returning and necessary travel expenses.

SEC. 6. The appropriations provided in this Act shall be in lieu of all appropriations or allowances for the Alcoholic Beverage Control Board, the Department of Revenue, or any other board, bureau or agency of the State by the Revenue Act, Chapter one hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine and as amended, except the appropriation to the Department of Revenue made by Section seven hundred and sixteen of the Revenue Act, Chapter one hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine for administration of the Intangible Personal Property Tax Schedule.

Appropriations herein made in lieu of appropriations under Revenue Act.

Exception.

#### GENERAL PROVISIONS

SEC. 7. Allowances out of or under the appropriations made in Sections one, two, and three of this Act for travel expenses cover only ordinary field travel and occasional travel in connection with the work of the department, institution, or agency, and shall be so limited, unless provision is made through a travel

General Provisions.

Restrictions on allowances for travel expenses.



authorization by the Director of the Budget for convention, conference, or out of State travel. Allowances shall not be made in excess of the following:

Schedule of  
expense  
allowances.

For subsistence—hotel and meals—four dollars (\$4.00) per day; for convention, conference, or out of State, when authorized, six dollars and fifty cents (\$6.50) per day; for transportation, using personally owned automobiles, five cents (5c) per mile of travel.

Insurance and  
bonds.

SEC. 8. All insurance and all official, fidelity, and surety bonds authorized for the several departments, institutions, and agencies shall be effected and placed by the Insurance Department, and the cost of such placement shall be liquidated by the department, institution, or agency involved upon bills rendered to and approved by the Insurance Commissioner.

Special  
provisions.

#### SPECIAL PROVISIONS

Cost of audits  
made by State  
Auditor of State  
Highway and  
Public Works  
Commission.

SEC. 9. The cost of all audits made by the State Auditor of the books and accounts of the State Highway and Public Works Commission under Section twenty-four of Chapter two of the Public Laws of one thousand nine hundred and twenty-one, which cost is hereby fixed at two thousand and five hundred dollars (\$2,500) for each year, shall be paid out of the funds of the State Highway and Public Works Commission. Such audits shall be made by the State Auditor and members of his staff.

Increase in  
Highway Patrol  
appropriation  
in emergency  
created by  
National Defense  
projects.

SEC. 9½. In the event the Governor finds that on account of the conditions created by National Defense projects an increase in personnel of the State Highway Patrol is necessary, he is authorized to increase the State Highway Patrol not exceeding twenty-five additional members and to provide for the expense thereof by an increase in the appropriation under Title XII, Subtitle three.

Gasoline and  
Oil Inspection  
Fund, balances  
transferred to  
General Fund.

SEC. 10. All receipts under Article XIV of Chapter eighty-four of the Consolidated Statutes shall be covered into the State Treasury, as now provided by law, and kept as a distinct fund to be styled the "Gasoline and Oil Inspection Fund," and the amounts remaining in such fund at June thirtieth and December thirty-first of each year shall be transferred to the general fund.

Miscellaneous  
expenses.

SEC. 11. All expenses of every kind, and including a reasonable charge by the Board of Public Buildings and Grounds for offices occupancy and telephone service, concerning bank examinations by the Banking Department, shall be paid out of fees collected under Section two hundred and twenty-three (f) of the Consolidated Statutes, Volume III.

SEC. 12. The appropriations for Coöperative Agricultural Extension work under Title IV-three, Section one, of this Act are made to meet the State's share of funds provided by the Smith-Lever Act of Congress and to further promote agricultural work.

Coöperative Agricultural Extension work.

SEC. 13. The appropriations made to the North Carolina School for the Deaf under Title IV-thirteen and to the State School for the Blind and Deaf under Title IV-fourteen-(1), Section one of this Act, include provisions for the cost of clothing and transportation for indigent pupils. The institutions shall be reimbursed for these items by the counties liable therefor under the provisions of Chapter eighty-six of the Public Laws of one thousand nine hundred and twenty-seven.

Use of certain appropriations to schools for deaf and blind.

Reimbursement by counties.

SEC. 14. The appropriations made to the Oxford Colored Orphanage under Title V-sixteen, Section one, of this Act shall be available only if and when the expenditure shall be recommended by the trustees of the institution appointed by the Governor of the State, and the expenditures shall be under the supervision of said trustees.

Availability of appropriations to Oxford Colored Orphanage.

SEC. 14½. From that part of the appropriation to the Department of Conservation and Development under Section one, III Executive and Administrative, Subsection seventeen (1), "Department of Conservation and Development," from the sum included therein for the Division of Commerce, Industry and Advertising, the Director of the Budget is authorized, in his discretion, to expend such part thereof as he may determine for the purpose of setting up in the District of Columbia or elsewhere, such office or offices as he may deem to be advisable for the purpose of promoting the interest and development of the State, and for otherwise promoting the business and industrial development of the State through the agency of the Department of Conservation and Development.

Expenditures for maintenance of D.C. or other office for State promotional work.

SEC. 15. The appropriations made to the Board of Charities and Public Welfare for Old Age Assistance under Title VI-two-(2), and for Aid to Dependent Children under Title VI-two-(3) of Section one of this Act are declared to be for such sum which, added to the unexpended balances remaining in the appropriations for the said purposes for the biennium of one thousand nine hundred and thirty-nine—forty-one at the end of said biennium, shall be equal to the sum of one million and five hundred thousand dollars, for each year of the biennium, for Old Age Assistance, and five hundred and twenty-five thousand dollars, for each year of the biennium, for aid to Dependent Children.

Appropriations for Old Age Assistance and Aid to Dependent Children.

SEC. 15½. The Director of the Budget is authorized, empowered and directed to allocate out of the Highway and Public Works Fund, the Agriculture Fund, and other special operating

Allocations to meet contributions under Teachers and Employees Retirement Act.

funds employing personnel, the amount sufficient to meet the contributions necessary to be made in order to comply with the Act creating the State Teachers and State Employees Retirement System.

#### EFFECTIVE

Budget Act and certain other laws continued in force.

SEC. 16. The provisions of the Executive Budget Act, Chapter one hundred of the Public Laws of one thousand nine hundred and twenty-nine, the provisions of the Personnel Act, Chapter two hundred and seventy-seven, Public Laws of one thousand nine hundred and thirty-one, and Chapter forty-six of the Public Laws of one thousand nine hundred and thirty-three are reenacted and shall remain in full force and effect.

Reductions by Budget Director to prevent deficit.

Preferences.

The Director of the Budget shall reduce all appropriations provided for in this Act, when necessary to prevent a deficit for the fiscal period for which said appropriation is made; and, in so doing, he shall give preference to the charitable and eleemosynary institutions of the State.

Partial invalidity section.

SEC. 17. If any section or provision of this Act be declared unconstitutional or invalid by the courts, the same shall not affect the validity of this Act as a whole or any part other than the part so decided to be unconstitutional or invalid.

SEC. 18. This Act shall be in force and effect after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

#### H. B. 218

#### CHAPTER 108

AN ACT TO AMEND CHAPTER ONE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SIX, EXTRA SESSION, AS AMENDED, KNOWN AS THE UNEMPLOYMENT COMPENSATION LAW.

*The General Assembly of North Carolina do enact:*

Sec. 3 (b), Ch. 1, Public Laws, Extra Session, 1936, amended.

SECTION 1. That Subsection (b) of Section three of Chapter one, Public Laws one thousand nine hundred and thirty-six, Extra Session, as amended by Section one Chapter twenty-seven, Public Laws one thousand nine hundred and thirty-nine and Section one, Chapter one hundred and forty-one Public Laws one thousand nine hundred and thirty-nine, be and the same is hereby amended by adding and inserting the following paragraph and table to be known as paragraph "(b) (1)":

Rate of benefits for total unemployment.

"(b) (1) Each eligible individual whose benefit year begins on or after the effective date of this Act and who is totally unemployed in any week (as defined by Section nineteen (k)

(1) hereof) shall be paid with respect to such week or weeks benefits at the rate per week appearing in the following table in Column II opposite which in Column I appear the wages paid to such individual during his base period with respect to 'employment': Provided, however, after July first, one thousand nine hundred and thirty-nine, for any individual whose employment prior to such date was in employment for an employer who after such date was or is subject to the Railroad Unemployment Insurance Act, and who worked for some other employer subject to this Act, only the wages payable to such individual for employment performed for an employer not subject to said Railroad Unemployment Insurance Act after July first, one thousand nine hundred and thirty-nine, shall be used in determining wages paid during his base period."

Wages for service for employer under R.U.I. Act, not used in computing base period wages.

Column I	Column II	Column III	Table for computing benefits.
Wages paid During base period	Weekly benefit amount	Ineligible amount	
Under \$130.00	Ineligible	Ineligible	
\$ 130.00 to \$ 139.99	\$ 3.00	\$ 3.60	
140.00 to 154.99	3.50	4.20	
155.00 to 174.99	4.00	4.80	
175.00 to 204.99	4.50	5.40	
205.00 to 244.99	5.00	6.00	
245.00 to 294.99	5.50	6.60	
295.00 to 354.99	6.00	7.20	
355.00 to 444.99	6.50	7.80	
445.00 to 554.99	7.00	8.40	
555.00 to 599.99	7.50	9.00	
600.00 to 649.99	8.00	9.60	
650.00 to 694.99	8.50	10.20	
695.00 to 744.99	9.00	10.80	
745.00 to 794.99	9.50	11.40	
795.00 to 844.99	10.00	12.00	
845.00 to 894.99	10.50	12.60	
895.00 to 944.99	11.00	13.20	
945.00 to 994.99	11.50	13.80	
995.00 to 1044.99	12.00	14.40	
1045.00 to 1119.99	12.50	15.00	
1120.00 to 1194.99	13.00	15.60	
1195.00 to 1269.99	13.50	16.20	
1270.00 to 1349.99	14.00	16.80	
1350.00 to 1429.99	14.50	17.40	
1430.00 and over	15.00	18.00	

SEC. 2. That Section four Subsection (d) of Chapter one, Public Laws one thousand nine hundred and thirty-six, Extra Session, be and the same is hereby amended by striking out the word "two" after the word "of" and before the word "weeks"

Sec. 4 (d), amended as to waiting period required for benefit eligibility.



in the first sentence of said subsection and inserting the word "one" in lieu thereof.

Sec. 5, amended,  
as to disqualifi-  
cation for  
benefits.

SEC. 3. That Section five of Chapter one, Public Laws one thousand nine hundred and thirty-six, Extra Session, be and the same is hereby amended by striking out Subsections (a), (b), (c), (d), and (e) thereof and by inserting in lieu thereof the following subsections:

(a) Voluntary  
unemployment  
without good  
cause.

"(a) For the week in which he has left work voluntarily without good cause, if so found by the commission, and for not less than the four nor more than the seven weeks which immediately follow such week (in addition to the waiting period), as determined by the commission, according to the circumstances in each case: Provided, however, that if it shall be determined by the commission that an individual shall be disqualified for a week or weeks within the limits above fixed, then no payment of benefits shall be made during any such week or weeks of disqualification, and in addition thereto, the maximum amount of benefits due said individual during his then current benefit year shall be reduced by an amount determined by multiplying the number of weeks of disqualification imposed by the weekly benefit amount, excluding any of such weeks with respect to which the individual shows to the satisfaction of the commission in accordance with such regulations as the commission may prescribe, that he was not totally or partially unemployed.

Reduction of  
maximum benefit  
amounts.

Method of com-  
puting reduction.

(b) Unemploy-  
ment caused by  
misconduct.

(b) For the week in which he has been discharged for misconduct connected with his work, if so found by the commission, and for not less than the five nor more than the ten weeks which immediately follow such week (in addition to the waiting period), as determined by the commission according to the circumstances in each case: Provided, however, that if it shall be determined by the commission that an individual shall be disqualified for a week or weeks within the limits above fixed, then, no payment of benefits shall be made during any such week or weeks of disqualification, and in addition thereto, the maximum amount of benefits due said individual during his then current benefit year shall be reduced by an amount determined by multiplying the number of weeks of disqualification imposed by the weekly benefit amount, excluding any of such weeks with respect to which the individual shows to the satisfaction of the commission, in accordance with such regulations as the commission may prescribe, that he was not totally or partially unemployed.

Reduction of  
maximum  
benefit amounts.

Method of  
computing  
reduction.

(c) Failure to  
apply for, or to  
accept suitable  
work, or to  
return to self-  
employment.

(c) If the commission finds that he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the commission or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the commission. Such disqualification shall continue for the week in which such failure occurred and for not less than the four nor more than the

Period of  
disqualification.



seven weeks which immediately follow such week (in addition to the waiting period) as determined by the commission according to the circumstances in each case: Provided, however, that if it shall be determined by the commission that an individual shall be disqualified for a week or weeks within the limits above fixed, then no payment of benefits shall be made during any such week or weeks of disqualification, and in addition thereto, the maximum amount of benefits due said individual during his then current benefit year shall be reduced by an amount determined by multiplying the number of weeks of disqualification imposed by the weekly benefit amount, excluding any of such weeks with respect to which the individual shows to the satisfaction of the commission and in accordance with such regulations as the commission may prescribe, that he was not totally or partially unemployed.

Reduction of maximum benefit amount.

Method of computing reduction.

(1) In determining whether or not any work is suitable for an individual, the commission shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

Determination of suitable work.

(2) Notwithstanding any other provisions of this Act, no work shall be deemed suitable and benefits shall not be denied under this Act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona-fide labor organization.

Conditions under which benefits not to be denied one otherwise eligible.

(d) For any week with respect to which the commission finds that his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed, provided that this subsection shall not apply if it is shown to the satisfaction of the commission that—

(d) Unemployment due to labor dispute.

Sub-section not applicable when:

(1) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(1) Employee not participant.

(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute: Provided, for the purpose

(2) Employee not one of class of workers participating in dispute.

Separate branches deemed separate establishment.

of this subsection (d), that if in any case separate branches of work which are commonly conducted as separate business in separate premises are conducted in separate departments of the same premises, each such department shall be deemed to be a separate factory, establishment, or other premises.

(e) Receipt of certain other remuneration or benefits.

(e) For any week with respect to which he is receiving or has received remuneration in the form of—

(1) Remuneration in lieu of notice; or

Effect when such remuneration less than benefits under this Act.

(2) Primary insurance payments with respect to Old Age Benefits under Title II of the Social Security Act, as amended: Provided, that if such remuneration is less than the benefits which would otherwise be due under this Act he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration."

Sec. 5, as amended, amended further, eliminating certain disqualifications for benefits.

SEC. 4. That Section five of Chapter one, Public Laws of one thousand nine hundred and thirty-six, Extra Session, as amended by Section three, Chapter four hundred and forty-eight, Public Laws of one thousand nine hundred and thirty-seven, be and the same is hereby amended by striking out paragraphs two and three of Subsection (f) thereof.

Sec. 6, amended.

SEC. 5. That Section six, Chapter one, Public Laws of one thousand nine hundred and thirty-six, Extra Session, be and the same is hereby amended by striking out Subsection (b) thereof and inserting in lieu thereof the following subsection:

Initial determination of validity of claims.

"(b) A representative designated by the commission and hereinafter referred to as a deputy shall promptly examine the claim and, on the basis of the facts found by him, shall either determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof, or shall refer such claim or any question involved therein to an appeal tribunal or to the commission, which shall make its determination with respect thereto in accordance with the procedure described in Subsection (c) of this section. The deputy shall promptly notify the claimant and any other interested party of his decision and the reasons therefor. Unless the claimant or any such interested party, within five calendar days after such notification was mailed to his last known address, files an appeal from such decision, such decision shall be final and benefits shall be paid or denied in accordance therewith. If an appeal is duly filed, benefits with respect to the period prior to the final determination of the commission shall be paid only after such determination: Provided, however, that if an appeal tribunal affirms a decision of a deputy, or the commission affirms a decision of an appeal tribunal, allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, but if such decision is finally reversed, no employer's reserve account

Reference of claim to appeal tribunal or commission.

Notice of decision.

Decision final in absence of appeal.

Benefits postponed pending appeal.

Benefits payable upon affirmation of deputy's decision allowing claim.

shall be charged with benefits so paid and such payments shall be charged to the pooled account."

Effect of later reversal.

SEC. 6. That Section seven of Chapter one, Public Laws of one thousand nine hundred and thirty-six, Extra Session, be and the same is hereby amended by striking out Subsections (a) and (b) of said section and inserting in lieu thereof the following subsections:

Sec. 7, amended.

"(a) (1) On and after January 1, 1936, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this Act, with respect to wages for employment (as defined in Section nineteen (g)). Such contributions shall become due and be paid by each employer to the commission for the fund in accordance with such regulations as the commission may prescribe, and shall not be deducted in whole or in part from the remuneration of individuals in his employ, provided that, on and after July 1, 1941, contributions shall be paid for each calendar quarter with respect to wages paid for employment in all pay periods ending within such calendar quarter. Contributions shall become due on and shall be paid on or before the twenty-fifth day of the month following the close of the calendar quarter in which such wages are paid and such contributions shall be paid by each employer to the commission for the fund in accordance with such regulations as the commission may prescribe, and shall not be deducted in whole or in part from the remuneration of individuals in his employ, provided, further, that if the commission shall be advised by its duly authorized officers or agents that the collection of any contribution under any provision of this Act will be jeopardized by delay, the commission shall, whether or not the time otherwise prescribed by law for making returns and paying such tax has expired, immediately assess such contributions (together with all interest and penalties, the assessment of which is provided for by law). Such contributions, penalties and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the commission for the payment thereof. Upon failure or refusal to pay such contributions, penalties, and interest, it shall be lawful to make collection thereof as provided by Section 14 of the Unemployment Compensation Law and subsections thereunder and such collection shall be lawful without regard to the due date of contributions herein prescribed, provided, further that nothing in this paragraph shall be construed as permitting any refund of contributions heretofore paid under the law and regulations in effect at the time such contributions were paid."

Payment of contributions by employers.

Deductions from wages not allowed.

Quarterly payments.

Due date.

Assessment of contributions when collection jeopardized.

Such contributions payable on demand.

Collection enforced by legal procedure.

"(b) Each employer shall pay contributions equal to the following percentages of wages payable by him with respect to employment:

Rate of contributions.

(1) Nine-tenths of one percentum with respect to employment during the calendar year one thousand nine hundred and thirty-six;

(2) One and eight-tenths percentum with respect to employment during the calendar year one thousand nine hundred and thirty-seven;

(3) Two and seven-tenths percentum with respect to employment during the calendar year one thousand nine hundred and thirty-eight, and each year thereafter: Provided, however, that each employer shall pay contributions equal to two and seven-tenths percentum of wages paid by him during the calendar year one thousand nine hundred and forty-one, and during each calendar year thereafter, with respect to employment occurring after December thirty-first, one thousand nine hundred and forty, which shall be deemed the standard rate of contributions payable by each employer except as provided herein."

Standard rate payable, 1941, and future years.

Determination of variations from standard rate.

Conditions of additional credit allowance to employers.

(4) Variations from the standard rate of contributions shall be determined in accordance with the following requirements:

"(A) If, as of any computation date, the Commission finds that: Compensation has been payable from an employer's account throughout the year preceding the computation date; and the balance of such account amounts to not less than five times the largest amount of compensation paid from such account within any one of the three years preceding such date; and the balance of such account as of the computation date amounts to not less than two and one-half percentum of that part of the payroll or payrolls in the three years preceding such date by which contributions were measured; and such contributions were payable to such account with respect to the three years preceding the computation date, contribution rates for the calendar year following such computation date shall be determined pursuant to paragraph (B) of this subsection. The term "year" as used in this section (except when preceded by the word "calendar") means the twelve month period ending on June 30th of any calendar year.

"Year" defined.

Computation of reduced rate of contribution.

"(B) If, as of any computation date, the cumulative total of all an employer's contributions which were paid and credited to his "reserve account" before such computation date exceeds the cumulative total benefits which were chargeable to his "reserve account" and were paid before such computation date; and if such excess of contributions over benefits paid and chargeable to such account exceeds that percentage of his wages by which contributions were measured, during the thirty-six consecutive calendar month period preceding such computation date, which percentage is shown in Column 1 of the table below, and does not exceed the percentage opposite thereto in Column 2 of the table below, his contribution rate in the ensuing calendar year shall be equal to that percentum of the wages for employment,



paid by him during such ensuing year, which is shown in Column 3 of the table below. Of the payments so made, there shall be credited to the "partially pooled account" the percentage shown opposite thereto in Column 4 of the table below, and there shall be credited to the "reserve account" of the employer that percentage of the wages for employment, paid by him during such calendar year, which is shown opposite thereto in Column 5 of the table below:

Column 1	Column 2	Column 3	Column 4	Column 5	Table for computing credit allowances.
Over but	not to exceed	Rate of Contribution	Cr. Pool Account	Credit Reserve Account	
2.5%	2.8%	2.50%	.27%	2.23%	
2.8	3.1	2.13	.27	1.86	
3.1	3.4	1.76	.27	1.49	
3.4	3.8	1.39	.27	1.12	
3.8	4.2	1.02	.27	.75	
4.2	4.6	.65	.27	.38	
4.6	5.	.27	.27	.0	
5% & in excess thereof		.27	.27	.0	

"(C) The computation date for any contribution rates shall be July first of the calendar year preceding the calendar year with respect to which such rates are effective.

"(D) Should the Commission be of the opinion that the balance to the credit of the "partially pooled account" is insufficient to provide adequate security in the payment of all compensation to all eligible individuals, it shall direct such fact to the attention of the Council of State, and, upon finding of the Council that such a situation exists and a declaration that emergency steps are advisable, the Commission is hereby authorized and empowered to require the payment by all employers of as much as 60% of the standard rate to be credited entirely to the "partially pooled account," and if such additional credit to the "partially pooled account" as required by this section exceeds the rate for any employer as fixed under Section 7 (b) (4) (B), his rate shall be such percentage of the standard rate with no credit to his reserve account. If the additional credit to the "partially pooled account" as required by this subsection is less than the standard rate or rate for any employer as fixed under Section 7 (b) (4) (B), such employer shall pay the standard rate or the rate of contributions as provided in Section 7 (b) (4) (B) and his reserve account be credited with the balance of payment after crediting the "partially pooled account" with the additional credit as provided in this subsection. Any increased contribution rate thus required by the Commission shall be applicable with respect to contributions on wages paid during the quarter in which such finding

Credits to "partially pooled account."

Credits to "reserve account."

Computation date.

Action by Commission upon insufficiency of partially pooled account credit balance.

Increase in rate of contributions.

Payment of standard rate.

Continuance of increased contribution rate.



of the Council of State occurred, and shall continue to be applicable with respect to contributions on wages paid up to the last day of the calendar quarter preceding the quarter in which, upon recommendation by the Commission, the Council of State shall find that the balance to the credit of the "partially pooled account" is sufficient to provide adequate security for the payment of all compensation to all eligible individuals.

Voluntary contributions.

"(E) Any employer may at any time make voluntary contributions, additional to the contributions required under this Act, to the fund to be credited to his reserve account and such voluntary contributions when made shall for all intents and purposes be deemed 'contributions required' as said term is used in Section nineteen (i) of this Act.

Estimates of required information by Commission upon delinquency of employing unit.

"(F) If within the calendar month next following the computation date, the Commission finds that any employing unit failed to file any report required in connection therewith, or has filed a report which the Commission finds incorrect or insufficient, the Commission shall make an estimate of the information required from such employing unit on the basis of the best evidence reasonably available to him at the time, and shall notify the employing unit thereof by registered mail addressed to its last known address. Unless such employing unit shall file the report or a corrected or sufficient report as the case may be, within fifteen days after the mailing of such notice, the Commission shall compute such employing unit's rate of contributions on the basis of such estimates, and the rate as so determined shall be subject to increases but not to reduction, on the basis of subsequently ascertained information."

Computation of contribution rate based on estimates.

Effect.

Sec. 7, as amended, further amended.

SEC. 7. That said Section seven, Chapter one, Public Laws, one thousand nine hundred and thirty-six, Extra Session, as amended by Chapter twenty-eight of the Public Laws of one thousand nine hundred and thirty-nine, be and the same is hereby further amended by changing the third from the last sentence in Subsection (e) thereof so as to make said sentence read as follows: "If for any weeks of total unemployment which occur and for which benefits are payable during any period not within the seasonal period as prescribed by the commission the maximum benefit amount shall be an amount equal to sixteen times his weekly benefit amount divided by his total wages in the base period and multiplied by the wages paid in his base period in covered employment not within the seasonal period, and the maximum benefits payable for such individual during the seasonal period shall be an amount equal to sixteen times the individual's weekly benefit amount divided by the wages paid in the base period and multiplied by the wages paid within the seasonal period in covered employment in the base period.

Maximum benefit payments for weeks outside seasonal period.

Maximum benefits during seasonal period.

Sec. 7, as amended, further amended.

"SEC. 8. That Section seven of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and

thirty-six, known as the "Unemployment Compensation Law" as amended by Chapter twenty-seven, Public Laws of one thousand nine hundred and thirty-nine be and the same is hereby amended by striking out all of Section six of said Chapter twenty-seven of the Public Laws of one thousand nine hundred and thirty-nine and by substituting in said Section six the hereinafter quoted provisions so that said Section six shall read as follows:

"7 (c) (1) The Commission shall maintain a separate fiscal account for each employer and shall credit his account with all the contributions which he has paid or is paid on his own behalf. On and after January 1, 1939, the Commission shall establish and maintain an employer's "reserve account" for each employer subject to this Act, to which account the Commission shall credit out of the Unemployment Compensation Fund an amount equal to fifty percent of the contributions paid by such employers pursuant to Section seven (b) with respect to employment during the calendar year 1938 for the purpose of paying out of such accounts compensation payable to all eligible individuals in accord with the provisions of paragraph (2) of this subsection. To these "reserve accounts" shall also be credited seventy-five per cent of all contributions paid each year pursuant to this Act from and after January 1, 1939, the remaining twenty-five per cent of the contributions to be credited to the "partially pooled account" and for each calendar year, beginning January 1, 1941, to these "reserve accounts" shall be credited ninety percentum of all contributions paid each calendar year pursuant to the Act, the remaining ten percentum to be credited to the "partially pooled account," except as provided in subsection (b) (4) hereof, and as hereinafter provided. Provided further, that no provision of this section shall in any way be subject to or affected by any provisions of the Executive Budget Act, Chapter 89, Public Laws one thousand nine hundred and twenty-five, as amended.

"2. All benefits for weeks of unemployment paid during the twelve months preceding June thirtieth of each year to any eligible individual shall be paid out of the reserve account of such individual's employer or employers by whom he was employed during his base period. In accordance with the regulations of the Commission, such payments shall be charged against all employers of such individual during his base period in the same ratio that the wages paid to such individual by each base period employer bears to the total wages paid him by all his employers during the base period. In the event that an employer's credits in his reserve account become exhausted through the payment of benefits chargeable to such account, the benefit payments which are chargeable to such account shall be paid out of the "partially pooled account" and at the same time the reserve account of the employer shall be debited accordingly.

Separate fiscal accounts for each employer.

Employer's "reserve account."

Credits to account.

Allocation of contributions to reserve accounts and partially pooled account.

Application of Executive Budget Act.

Payment of benefits from employer's reserve account.

Method of making charges.

Upon exhaustion of employer's credits, payment from partially pooled account.

Debits.

Adjustment of errors.	Whenever through inadvertence or mistake erroneous charges or credits are found to have been made to reserve accounts, the same shall be readjusted as of the date of discovery and such readjustment shall not affect any computation made under this section prior to the date of discovery.
Annual statement of "reserve account" for each employer.	"3. As of June thirtieth of each year, and at least fifteen days prior to the effective date of any variation from standard rate of contributions, the Commission shall determine the balance of each employer in his reserve account and shall furnish him with a statement of all charges and credits thereto. At the same time the Commission shall notify each employer of his rate of contributions as determined for the succeeding calendar year pursuant to this section. Such determination shall become final unless the employer files an application for review or redetermination within thirty days after the effective date of such rates.
Notice of contribution rate for ensuing year.	
Regulations for maintenance of joint accounts.	"4. The Commission may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by one or more employers having the relationship of parent and subsidiary companies. Any employer who is or becomes subject to the provisions of this Act the terms of Section 19 (f), whose organization, trade or business, or substantially all the assets thereof are transferred by sale, lease or otherwise shall have the privilege of transferring to his successor or assignee the reserve account herein established for such employer except that the purchaser, lessee or assignee shall not be entitled to any credit as provided herein except where compensation has been payable from such account throughout one previous calendar year, and that after such condition has been met the reserve account then meets all other conditions as prescribed hereinbefore. Notice of such transfers shall be given to the Commission immediately. The Commission may make regulations to govern such transfers of reserve accounts. In the event any employer subject to this Act ceases to be such an employer through the termination of coverage as provided in Section eight at this Act, the reserve account standing to the credit of such employer shall immediately upon such termination of coverage revert to the pooled fund established herein and the reserve account shall be closed.
Transfer of reserve account to transferee of business.	
Limitation.	
Regulations governing transfers.	
Disposition of reserve account upon termination of coverage.	
Continuance of actuarial study and investigations.	"(d) In order that the Commission shall be kept informed at all times on the circumstances and conditions of unemployment within the State and as to whether the stability of the fund is being impaired under the operation and effect of the system provided in subsection (c) of this section, the actuarial study now in progress shall be continued and such other investigations and studies of a similar nature as the Commission may deem necessary shall be made."

SEC. 9. That Section eight, Chapter one, Public Laws, one thousand nine hundred and thirty-six, Extra Session, as amended by Chapter fifty-two, Public Laws, one thousand nine hundred and thirty-nine, be and the same is hereby amended by striking out Subsection (b) of said Section eight and inserting in lieu thereof the following paragraph:

Sec. 8, amended.

“(b) Except as otherwise provided in Subsections (a) and (c) of this section, an employing unit shall cease to be an employer subject to this Act only as of the first day of January of any calendar year, if it files with the commission prior to the thirty-first day of January of such year a written application for termination of coverage and the commission finds that there were no twenty different weeks within the preceding calendar year (whether or not such weeks are or were consecutive) within which said employing unit employed eight or more individuals in employment (not necessarily simultaneously and irrespective of whether the same individuals were employed in each such week). For the purpose of this subsection, the two or more employing units mentioned in paragraphs two or three of Section nineteen, Subsection (f), of this Act shall be treated as a single employing unit.”

Termination of coverage under Act.

Time for filing application for termination.

SEC. 10. That Section ten, Subsection (b) of Chapter one, Public Laws, one thousand nine hundred and thirty-six, Extra Session, be and the same is hereby amended by striking out the word “budget” as same appears at the beginning of line seven in said subsection and by also striking out the comma that appears before the said word “budget” and the comma that appears after the word “budget” in said line seven so that said Subsection (b) of Section ten shall read as follows: “The commission shall establish two coördinate divisions: The North Carolina State Employment Service Division, created pursuant to Section twelve of this Act, and the Unemployment Compensation Division. Each division shall be responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel and duties, except insofar as the commission may find that such separation is impracticable.”

Sec. 10, amended.

Two co-ordinate divisions.

Separate administrative units.

Exception.

SEC. 11. That Subsection (b) of Section twelve of Chapter one, Public Laws, one thousand nine hundred and thirty-six, Extra Session, be and the same is hereby amended by striking out the words “the special employment service account in” as same appears after the word “into” in line two of said subsection and before the word “the” in line three of said subsection so as to make said Subsection (b) of Section twelve as thus amended read as follows: “all moneys received by this State under the said Act of Congress, as amended, shall be paid into the Unemployment Compensation Administration Fund, and said moneys are hereby made available to the State Employ-

Sec. 12 (b), amended.

Method of handling Federal funds available to State Employment Service.



Coöperation of  
Employment  
Service with po-  
litical subdivi-  
sions, etc.

ment Service to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, said division is authorized to enter into agreements with any political subdivision of this State or with any private, non-profit organization, and as a part of any such agreement the commission may accept moneys, services, or quarters as a contribution to the Unemployment Compensation Administration Fund."

Sec. 13, amended.

SEC. 12. That Section thirteen of Chapter one, Public Laws, one thousand nine hundred and thirty-six, Extra Session, be and the same is hereby amended by striking out Subsection (a) thereof and inserting in lieu thereof the following subsection:

Unemployment  
Compensation  
Administration  
Fund.

"(a) There is hereby created in the State Treasury a special fund to be known as the Unemployment Compensation Administration Fund. All moneys which are deposited or paid into this fund shall be continuously available to the commission for expenditure in accordance with the provisions of this Act, and shall not lapse at any time or be transferred to any other fund. The Unemployment Compensation Administration Fund, except as otherwise provided in this Act, shall be subject to the provisions of the Executive Budget Act, Chapter one hundred, Public Laws, one thousand nine hundred and twenty-nine, the provisions of the Personnel Act, Chapter two hundred and seventy-seven, Public Laws, one thousand nine hundred and thirty-one, and Chapter forty-six, Public Laws of one thousand nine hundred and thirty-three, which are reenacted in the first paragraph of Section seventeen of Chapter three hundred and six, Public Laws, one thousand nine hundred and thirty-five. All moneys in this fund which are received from the Federal Government or any agency thereof or which are appropriated by this State for the purpose described in Section twelve of this Act shall be expended solely for the purposes and in the amounts found necessary by the Social Security Board for the proper and efficient administration of this Act. The fund shall consist of all moneys appropriated by this State, all moneys received from the United States of America, or any agency thereof, including the Social Security Board, and all moneys received from any other source for such purpose, and shall also include any moneys received from any agency of the United States or any other State as compensation for services or facilities supplied to such agency, any amounts received pursuant to any surety bond or insurance policy or from other sources for losses sustained by the Unemployment Compensation Administration Fund or by reason of damage to equipment or supplies purchased from moneys in such fund, and any proceeds realized from the sale or disposition of any such equipment or supplies which may no longer be necessary for the proper administration of this Act. All moneys in this fund shall be deposited, administered, and

Availability of  
funds.

Application of  
Executive Budget  
Act and other  
laws.

Supervision of  
certain expendi-  
tures by Social  
Security Board.

Sources of fund.

Custody and ad-  
ministration of  
funds.



disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury, and shall be maintained in a separate account on the books of the State Treasury. The State Treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the Unemployment Compensation Administration Fund provided for under this Act. Such liability on the official bond shall be effective immediately upon the enactment of this provision, and such liability shall exist in addition to any liability upon any separate bond existent on the effective date of this provision, or which may be given in the future. All sums recovered on any surety bond for losses sustained by the Unemployment Compensation Administration Fund shall be deposited in said fund. (b) That Section thirteen, Subsection (b) of Chapter one, Public Laws, one thousand nine hundred and thirty-six, Extra Session, be and the same is hereby amended by striking out the first sentence thereof, and that said subsection be further amended by striking out the words "such account" in the fifth line from the bottom of said subsection and inserting in lieu thereof the following: "said Unemployment Compensation Administration Fund"; and that said subsection be further amended by striking out the word "account" in the third line from the bottom of said subsection and inserting in lieu thereof the word "fund."

Liability of  
State Treasurer.

Sums recovered  
for losses de-  
posited in fund.

Sec. 13 (b),  
amended, with  
reference to U. C.  
Administration  
Fund.

SEC. 13. That Section thirteen of Chapter one, Public Laws, one thousand nine hundred and thirty-six, Extra Session, be and the same is hereby amended by adding the following subsection thereto:

Sec. 13, amended  
further.

"(c) If any moneys received after June thirtieth, one thousand nine hundred and forty-one, from the Social Security Board under Title III of the Social Security Act, or any unencumbered balances in the Unemployment Compensation Administration Fund as of that date, or any moneys granted after that date to this State pursuant to the provisions of the Wagner-Peyser Act, or any moneys made available by this State or its political subdivisions and matched by such moneys granted to this State pursuant to the provisions of the Wagner-Peyser Act, are found by the Social Security Board, because of any action or contingency, to have been lost or been expended for purposes other than, or in amounts in excess of, those found necessary by the Social Security Board for the proper administration of this Act, it is the policy of this State that such moneys shall be replaced by moneys appropriated for such purpose from the general funds of this State to the Unemployment Compensation Administration Fund for expenditure as provided in Subsection (a) of this section. Upon receipt of notice of such a finding by the Social Security Board, the commission shall promptly report the amount required for such replacement to the Governor and the Governor shall at the

Replacement of  
certain funds,  
lost or improv-  
erly expended.

Appropriation  
from General  
Funds of State.

Report to  
Governor.

Request for appropriation.

earliest opportunity, submit to the Legislature a request for the appropriation of such amount. This subsection shall not be construed to relieve this State of its obligation with respect to funds received prior to July first, one thousand nine hundred and forty-one, pursuant to the provisions of Title III of the Social Security Act."

Sec. 14 (a), amended, as to interest on past due contributions.

SEC. 14. That Section fourteen, Subsection (a), Public Laws of one thousand nine hundred and thirty-six, Extra Session, be and the same is hereby amended by inserting before the word "one" in the fourth line thereof the words "one-half of."

Sec. 14 (d), amended as to refunds.

SEC. 15. That Section fourteen, Chapter one, Public Laws of one thousand nine hundred and thirty-six, Extra Session, be and the same is hereby amended by adding the following sentence to the end of paragraph (d) of said section: "Provided, that nothing in this section or in any other section of this Act shall be construed as permitting refund of moneys due and payable under the law and regulations in effect at the time such moneys were paid."

Sec. 14, as amended, further amended.

SEC. 16. That Section fourteen of Chapter one, Public Laws of one thousand nine hundred and thirty-six, Extra Session, as amended by Chapter twenty-seven, Public Laws of one thousand nine hundred and thirty-nine, be and the same is hereby further amended by adding the following after the period at the end of Subsection (e) of said Section fourteen: "No suit, action or proceeding for refund or to recover contributions or payroll taxes paid under protest according to the provisions of this subsection shall be maintained unless such suit, action or proceeding is commenced within three years after the expiration of the ninety days mentioned in this subsection, or within three years from the date of the refusal of said commission to make refund should such refusal be made before the expiration of said ninety days above-mentioned. The three year limitation here imposed shall not be retroactive in its effect, shall not apply to pending litigation nor shall the same be construed as repealing, abridging or extending any other limitation or condition imposed by this Act."

Limitation of time for actions for refunds, etc.

Legal construction.

Sec. 19 (a), amended.

SEC. 17. Section nineteen, Chapter one, Public Laws of one thousand nine hundred and thirty-six, Extra Session, be and the same is hereby amended by striking out paragraph one of Subsection (a) of said section and inserting in lieu thereof the following paragraph:

"Annual payroll" defined.

"(1) On and after January first, one thousand nine hundred and forty-one, 'annual payroll' means the total amount of wages paid by an employer (regardless of the time of payment) for employment during a calendar year."

That said Section nineteen be and the same is hereby further amended by changing the word "payable" appearing in the twenty-fifth line of Subsection (e) thereof, after the word "wages" and before the word "to," to "paid."

Sec. 19 (e), amended; "wages payable" changed to "wages paid."

SEC. 18. That Section nineteen, Subsection (g), paragraph seven of Chapter one, Public Laws, one thousand nine hundred and thirty-six, Extra Session, be and the same is hereby amended by adding the following clause to said paragraph seven:

Sec. 19 (g) (7), amended, as to exempted employment.

"(I) Service performed on and after the effective date of this Act by an individual for an employing unit or an employer as an insurance agent or as an insurance solicitor or as a securities salesman if all such service performed by such individual for such employing unit or employer is performed for remuneration solely by way of commission; (J) From and after the effective date of this Act service performed in any calendar quarter by any officer, individual or committeeman of any Building and Loan Association organized under the laws of this State, or any Federal Savings and Loan Association, where the remuneration for such service does not exceed forty-five dollars in any calendar quarter; (K) From and after the effective date of this Act service in connection with the collection of dues or premiums for a fraternal benefit society, order or association performed away from the home office, or its ritualistic service in connection with any such society, order or association."

Service as insurance agent or solicitor or securities salesman.

Service by officers, etc., of building & loan and savings & loan associations.

Service in collecting dues for fraternal society, etc.

SEC. 19. That Section nineteen, Subsection (f), paragraph four, Public Laws, one thousand nine hundred and thirty-six, Extra Session, be and the same is hereby repealed.

Sec. 19 (f) (4), repealed.

That Section nineteen, Subsection (f), paragraph five, Public Laws, one thousand nine hundred and thirty-six, Extra Session, be and the same is hereby amended by striking out in line two thereof the word and figure "or (4)" and inserting in said line two, immediately after the figure "(2)" and before the figure "(3)" the word "or."

Sec. 19 (f) (5), amended.

SEC. 20. That clause (B) of Paragraph seven, Subsection (g) of Section nineteen of Chapter one, Public Laws of one thousand nine hundred and thirty-six, Extra Session, be and the same is hereby amended by adding to the end of said clause the following: "From and after the effective date of this Act, service performed in the employ of the United States Government or an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by this Act, except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a State Unemployment Compensation Law, all of the provisions of this Act shall be applicable to such instrumentalities, and to services performed for such

Sec. 19 (g), (7) (B), amended, as to exempted employment.

Service for U. S. Government or instrumentality.

Exception.

Certain refunds when State not certified by Social Security Board under Sec. 1603 (c), F.I.R. Code.

instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services: Provided, that if this State shall not be certified for any year by the Social Security Board under Section one thousand six hundred and three (c) of the Federal Internal Revenue Code, the payments required of such instrumentalities with respect to such year shall be refunded by the commission from the fund in the same manner and within the same period as is provided in Section fourteen (d) of this Act with respect to contributions erroneously collected."

Sec. 19 (m), rewritten, as to definition of "wages."

SEC. 21. That Section nineteen, Subsection (m) of Chapter one, Public Laws one thousand nine hundred and thirty-six, Extra Session, be and the same is hereby repealed and the following inserted in lieu thereof:

"(m) From and after the effective date of this Act, 'wages' means all remuneration for services from whatever source."

Sec. 19 (n), rewritten, as to definition of "wages."

That Section nineteen, Subsection (n) of Chapter one, Public Laws of one thousand nine hundred and thirty-six, Extra Session, be and the same is hereby repealed, and the following inserted in lieu thereof:

Commissions, bonuses, etc.

Gratuities.

Cash value of remuneration other than cash.

Certain retirement, sickness, death, etc., benefit payments not included as "wages."

Conditions prerequisite.

"(n) From and after the effective date of this Act, 'wages' shall include commissions and bonuses and the cash value of all remuneration in any medium other than cash. Gratuities customarily received by an individual in the course of his work from persons other than his employing unit shall be treated as wages received from his employing unit. The reasonable cash value of remuneration in any medium other than cash, and the reasonable amount of gratuities, shall be estimated and determined in accordance with rules prescribed by the commission: Provided, that the term 'wages' shall not include the amount of any payment with respect to services performed from and after the effective date of this Act to, or on behalf of, an individual in its employ under a plan or system established by an employing unit which makes provision for individuals in its employ generally or for a class or classes of such individuals (including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment), on account of (A) retirement, or (B) sickness or accident disability, or (C) medical and hospitalization expenses in connection with sickness or accident disability, or (D) death: Provided, the individual in its employ (i) has not the option to receive, instead of provision for such death benefit, any part of such payment, or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by his employing unit, and (ii) has not the right under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive cash consideration in lieu of such benefit either upon his withdrawal from the plan or system pro-



viding for such benefit or upon termination of such plan or system or policy of insurance or of his services with such employing unit."

SEC. 22. That Section thirteen of Chapter twenty-seven, Public Laws of one thousand nine hundred and thirty-nine, be and the same is hereby amended by striking out the first part thereof down to the word "provided" in the seventeenth line thereof and by inserting in lieu thereof the following:

Sec. 13, Ch. 27,  
Public Laws,  
1939, amended.

"(r) 'Benefit year' with respect to any individual who is otherwise eligible means the three hundred and sixty-five (or three hundred and sixty-six if February 29th is included in the year) consecutive day period beginning with the first day on which the claimant registered for work and filed a claim for benefits for total unemployment, or beginning with the day of the week in which the claimant was partially unemployed as defined herein and with respect to which a claim is filed, and thereafter the next benefit year shall be the next three hundred and sixty-five (or three hundred and sixty-six if February twenty-ninth is included in the year) consecutive day period beginning with the first day on which the claimant registers for work and files a claim for benefits for total unemployment or beginning with the day of the week in which the claimant was partially unemployed as defined herein and with respect to which a claim is filed."

"Benefit year"  
defined.

SEC. 23. That Chapter one, Public Laws of one thousand nine hundred and thirty-six, Extra Session, be and the same is hereby amended by adding the following subsection to the end of Section nineteen of said chapter "(t) Wages payable to an individual with respect to covered employment performed prior to January first, one thousand nine hundred and forty-one, shall, for the purpose of Section three and Section seven of this Act, be deemed to be wages paid within the calendar quarter with respect to which such wages were payable."

Sec. 19, Ch. 1,  
Public Laws,  
Extra Session,  
1936, amended.

Wages payable  
for employment  
prior to Jan. 1,  
1941, for pur-  
pose of sections  
3 and 7.

SEC. 23½. That Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, known as the Unemployment Compensation Law as amended by Chapter twenty-seven of the Public Laws of one thousand nine hundred and thirty-nine be and the same is hereby amended by striking out Section seven of said Chapter twenty-seven of the Public Laws of one thousand nine hundred and thirty-nine and by inserting in lieu thereof the following:

Sec. 7, Ch. 27,  
Public Laws,  
1939, rewritten.

SEC. 7. That Section nine, Subsection (a) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, is hereby amended by adding to the end of said section the following:

Sec. 9 (a), Ch.  
1, Public Laws,  
Extra Session,  
1936, amended.



Maintenance and control of "reserve accounts" and "partially pooled account."

"except that within the Unemployment Compensation Fund 'reserve accounts' and a 'partially pooled account' shall be maintained as provided in Section seven hereof. To the 'reserve accounts' established under Section seven shall be credited such portion of the contributions computed as provided in Section seven, and the 'partially pooled account' to be credited with the balance of such contributions paid as well as the remaining portions and additions thereto of the Unemployment Compensation Fund which have not heretofore been set aside as employer 'reserve accounts' within the fund under prior amendments to this Act. Provided, however, that the 'partially pooled account' established hereunder and the 'reserve accounts of employer,' as defined by Section one (a) of the Railroad Unemployment Insurance Act, shall be subject to such withdrawals and transfers as are provided for by Section nine of the Act, as amended."

Conflicting laws repealed.

SEC. 24. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 25. This Act shall be in force and effect from and after the date of ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

## S. B. 217

## CHAPTER 109

AN ACT TO AMEND SECTION NINE HUNDRED AND FIFTY-SIX OF THE CONSOLIDATED STATUTES, VOLUME ONE, ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED BY CHAPTER ONE HUNDRED AND FIFTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, AND BY CHAPTER NINETY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO REPORTS OF THE CLERK OF THE SUPERIOR COURT OF FORSYTH COUNTY.

*The General Assembly of North Carolina do enact:*

C.S. 956, amended, as to Annual Report of C.S.C., Forsyth County.

SECTION 1. That Section nine hundred and fifty-six of the Consolidated Statutes, Volume one, one thousand nine hundred and nineteen, as amended by Chapter one hundred and fifty-six of the Public Laws of one thousand nine hundred and thirty-one and by Chapter ninety-two of Public Laws of one thousand nine hundred and thirty-nine, be, and the same is hereby amended by adding a proviso at the end thereof, to read as follows:

Period covered by report.

"Provided, the annual report of all public funds held by the Clerk of Superior Court of Forsyth County, or any other funds received by color of his office, belonging to persons, firms, or

corporations, shall cover the period beginning November first through October thirty-first, and shall be filed as hereinbefore provided; and it shall only contain a statement of all funds held by said clerk, the person to whom due, the amount, how invested and where, and in whose name deposited."

Contents.

SEC. 2. That this Act shall apply to Forsyth County only.

Application of Act.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

S. B. 218

## CHAPTER 110

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND EIGHTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO FORSYTH COUNTY ONLY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred and eighty-five of the Public Laws of one thousand nine hundred and thirty-nine, entitled "An Act to Establish a Juvenile Court for Forsyth County, North Carolina, and Amend Chapter, ninety-seven, Section two, of the Public Laws of North Carolina, Session one thousand nine hundred and nineteen, and also Amend Chapter eighty-five, of the Public Laws of North Carolina, Extra Session of one thousand nine hundred twenty," is hereby repealed.

Ch. 385, Public Laws, 1939, Forsyth County Juvenile Court Act, repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

## S. B. 233

## CHAPTER 111

AN ACT TO AMEND SECTION SIX THOUSAND AND TWENTY-THREE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, TO FIX THE FILING FEES FOR PRIMARY ELECTIONS IN SAMPSON COUNTY FOR THE OFFICES OF JUSTICE OF THE PEACE AND CONSTABLE.

*The General Assembly of North Carolina do enact:*

C.S. 6023, amended, as to filing fees for candidates for J. P. and Constable, Sampson County.

SECTION 1. That Section six thousand and twenty-three of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be further amended by inserting at the end thereof the following: "Provided, that in Sampson County the filing fee for the office of justice of the peace shall be one dollar (\$1.00) and the filing fee for the office of constable shall be two dollars (\$2.00)."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

## H. B. 7

## CHAPTER 112

AN ACT TO APPORTION THE MEMBERS OF THE HOUSE OF REPRESENTATIVES AMONG THE SEVERAL COUNTIES OF THE STATE.

*The General Assembly of North Carolina do enact:*

Apportionment of members of House of Representatives.

SECTION 1. That until the General Assembly of North Carolina shall make another apportionment as provided by the Constitution and laws of North Carolina, the House of Representatives shall be composed of members elected from the counties of the State in the following manner, to-wit:

Counties electing four members.  
Counties electing three members.  
Counties electing two members.  
Counties electing one member.

The counties of Guilford and Mecklenburg shall elect four members each; the counties of Buncombe, Forsyth, and Wake shall elect three members each; the counties of Cabarrus, Cumberland, Durham, Gaston, Johnston, Pitt, Robeson, and Rowan shall elect two members each; the counties of Alamance, Alexander, Alleghany, Anson, Ashe, Avery, Beaufort, Bertie, Bladen, Brunswick, Burke, Caldwell, Camden, Carteret, Caswell, Catawba, Chatham, Cherokee, Chowan, Clay, Cleveland, Columbus, Craven, Currituck, Dare, Davidson, Davie, Duplin, Edge-

combe, Franklin, Gates, Graham, Granville, Greene, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Hyde, Iredell, Jackson, Jones, Lee, Lenoir, Lincoln, McDowell, Macon, Madison, Martin, Mitchell, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Tyrrell, Union, Vance, Warren, Washington, Watauga, Wayne, Wilkes, Wilson, Yadkin, and Yancey shall elect one member each.

SEC. 2. That all laws in conflict with this Act, and specifically Section six thousand and eighty-eight of the Consolidated Statutes of one thousand nine hundred and nineteen, and the Public Laws of one thousand nine hundred and twenty-one, Chapter one hundred and forty-four, are hereby repealed.

C.S. 6088, Ch. 144, Public Laws, 1921, and conflicting laws, repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

H. B. 15

## CHAPTER 113

AN ACT TO AMEND SECTION ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FOUR OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, VOLUME ONE, ONE THOUSAND NINE HUNDRED AND NINETEEN, RELATING TO FISH AND FISHERIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one thousand eight hundred and eighty-four of the Consolidated Statutes of North Carolina, Volume one, one thousand nine hundred and nineteen, be amended by adding after the word "used" in line six, and before the word "in" in line seven, the following: "or that have been used."

C.S. 1884, amended as to seizure of fish nets used in violation of law.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

## H. B. 39

## CHAPTER 114

AN ACT TO REGULATE THE SALE OF SEED SOLD,  
OFFERED FOR SALE, OR EXPOSED FOR SALE IN THE  
STATE OF NORTH CAROLINA.*The General Assembly of North Carolina do enact:*

- Short title. SECTION 1. That this Act shall be known by the short title of "The North Carolina Seed Law."
- Administration of Act. SEC. 2. That this Act shall be administered by the Commissioner of Agriculture of the State of North Carolina hereinafter referred to as the "Commissioner."
- Definitions. SEC. 3. That when used in this Act:
- "Person." a. The word "person" includes a person, firm, partnership, corporation, company, society, association, trustee, or receiver.
- "Agricultural Seeds." b. The term "Agricultural Seeds" shall include the seeds of grass, forage, cereal, and fiber crops and any other kinds of seeds commonly recognized within this State as agricultural or field seeds, and mixtures of such seeds.
- "Vegetable Seeds." c. The term "Vegetable Seeds" shall include the seeds of those crops which are grown in gardens or on truck farms and are generally known and sold under the name of vegetable seeds.
- "Inert matter." d. The term "inert matter" includes sand, dirt, chaff, and other foreign substances, and broken seed incapable of germination.
- "Weed Seeds." e. The term "Weed Seeds" shall mean the seeds of all plants generally recognized within this State as weeds, and shall include noxious weed seed.
- Classification of noxious weed seeds. f. Noxious weed seeds shall be divided into two classes, "Primary Noxious Weed Seeds" and "Secondary Noxious Weed Seeds," which are defined in (1) and (2) of this subsection:
- "Primary Noxious Weed Seeds." (1) "Primary Noxious Weed Seeds" are the seeds of perennial weeds such as not only reproduce by seed but also spread by underground roots or stems, and which when established, are highly destructive and difficult to control in this State by ordinary good cultural practice.
- "Secondary Noxious Weed Seeds." (2) "Secondary Noxious Weed Seeds" are the seeds of such weeds as are very objectionable in fields, lawns, or gardens of this State, but can be controlled by good cultural practice.
- "Labeling." g. The term "labeling" includes all labels, and other written, printed, or graphic representations, in any form whatsoever, accompanying and pertaining to any seed whether in bulk or in containers, and includes invoices.



h. The term "Grower" shall mean any person who produces directly as landlord, tenant, sharecropper, or lessee, the seed sold. "Grower."

i. The term "Dealer" shall mean any person not classified as a "Grower," selling or offering for sale any seeds for planting purposes, and shall include any person who has seed grown under contract for resale for planting purposes. "Dealer."

SEC. 4. That each container of agricultural or vegetable seeds weighing ten (10) pounds or more which is sold, offered for sale, or exposed for sale within this State for planting purposes, shall have attached thereto a North Carolina seed analysis tag purchased from the Department of Agriculture, for one cent each, and in case such seed are shipped into this State said tag shall be secured by the person shipping such seed into the State before shipment to agent, retailer or other person, on which is plainly written or printed the following information:

a. For Agricultural Seeds:

(1) Lot number or other identification.

(2) Commonly accepted name of kind or kind and variety of each agricultural seed component in excess of five per cent (5%) of the whole and the percentage by weight of each. Where more than one component is required to be named the word "mixture" or "mixed" shall be associated with the name on the label.

(3) Origin, if known; if unknown, so stated.

(4) Percentage by weight of agricultural seeds other than those required to be named on the label.

(5) Percentage by weight of inert matter.

(6) Percentage by weight of all weed seeds.

(7) The name and approximate number per pound of secondary noxious weed seeds when present singly or collectively in excess of the tolerances prescribed in the rules and regulations under this Act.

(8) For each named agricultural seed.

(a) Percentage of germination exclusive of hard seed.

(b) Percentage of hard seed, if present.

(c) The calendar month and year the test was completed to determine such percentages.

(9) Name and address of the person who labeled said seed or who sells, offers or exposes said seed for sale. Provided that the provisions of (2), (4), (5), (6), and (7) of Subsection "a" of Section four of this Act shall not apply to cotton, corn, and

Attachment of seed analysis tags to containers of seeds for sale.

Purchase of tags; price.

Tags for shipments into State.

Information required on tags for agricultural seeds.

tobacco except the name of kind or kind and variety, shall be shown as required in (2).

Information  
required on tags  
for vegetable  
seeds.

b. For Vegetable Seeds:

(1) Name of kind and variety of seeds.

(2) For seeds on which the germination equals or exceeds the standards last adopted under the rules and regulations of this Act the words "NORTH CAROLINA STANDARD" may be used in lieu of the actual germination.

(3) For seeds which germinate less than the standard last established by the Commissioner and Board of Agriculture under this Act:

(a) Percentage of germination exclusive of hard seed.

(b) Percentage of hard seed, if present.

(c) Calendar year and month the test was completed to determine such percentages.

(d) The words "BELOW STANDARD."

Compliance with  
Section 4, pre-  
sumed in certain  
cases.

(4) The name and address of person who labeled said seed or who sells, offers, or exposes said seed for sale: Provided, that in cases where the required analysis and other information regarding the seed is present on the seedsman's label or tag, accompanied by the official North Carolina seed analysis tag on which is written, stamped or printed the words "See Attached Tag for Seed Analysis" or other words to that effect, the provisions of Section four of this Act shall be deemed to have been complied with, and undefaced tags or labels of the previous year may be exchanged for tags or labels of the current year. Provided, further, that no tag or label shall be required, unless requested, on seeds sold directly to, and in the presence of, the consumer and taken from a bag or container properly labeled in accordance with the provisions of Section four of this Act, but this shall in no way exempt from the analysis given on the tag or label attached to such container.

Tag not required  
for seeds sold to  
consumer directly  
from properly  
labeled con-  
tainer.

Tag information  
for certain vege-  
table seeds of  
substandard  
germination.

c. For vegetable seeds in containers of less than ten (10) pounds which germinate less than the standards last adopted by the Commissioner and Board of Agriculture the actual germination shall be shown.

N. C. Crop Im-  
provement Asso-  
ciation label as  
"analysis tag"  
when fees paid.

d. Provided, that the official tag or label of the North Carolina Crop Improvement Association shall be considered a "North Carolina seed analysis tag" when fees applicable to said tag have been paid to the Department of Agriculture.

SEC. 5. That it shall be unlawful:

a. For any person within this State to sell, offer or expose for sale any seed defined in this Act for seeding purposes:

Certain sales of seed for seeding purposes prohibited.

(1) Unless the test to determine the percentage of germination shall have been completed within a nine-month period exclusive of the calendar month in which the test was completed prior to sale or exposure for sale.

Sale prohibited unless germination test completed within 9 months.

(2) Not labeled in accordance with the provisions of this Act, or having a false or misleading label: Provided that the provisions of Section four of this Act shall not apply to seed consigned to or in storage in a seed cleaning or processing establishment for cleaning or processing when each lot of such seed is labeled "to be cleaned or processed," or to seed being sold by a grower to a dealer. Provided further that any labeling or other representation which may be made with respect to such seed shall be subject to this Act.

Sale prohibited unless seed properly labeled.

Sec. 4 not applicable to seed consigned to, or in, cleaning establishment, etc.

(3) Any seeds containing primary noxious weed seeds, subject to tolerances prescribed in the rules and regulations under this Act.

Sale of seeds containing primary noxious weed seeds, prohibited.

b. For any person within this State:

Other acts prohibited:

(1) To detach, alter, deface or destroy any label provided for in this Act or to alter or substitute seed in a manner that may defeat the purposes of this Act.

Alteration, destruction, etc., of labels.

(2) To hinder or obstruct in any way any authorized person in the performance of his duties under this Act.

Obstruction of persons administering Act.

(3) To fail to comply with an order of the Commissioner or his authorized agent to withdraw from sale any seed which do not comply with the requirements of this Act.

Failure to comply with official orders, etc.

SEC. 6. That for the purpose of carrying out the provisions of this Act, authority is hereby delegated to the Commissioner or his authorized agents:

Authority of Commissioner and his agents.

a. To sample, inspect, make analysis of and test agricultural and vegetable seeds transported, sold, offered or exposed for sale within this State for seeding purposes, at such time and place and to such extent as he may deem necessary to determine whether or not this Act has been complied with.

Inspection, analysis, etc., of seeds.

b. To adopt and prescribe, by and with the advice of the Board of Agriculture, rules and regulations governing the methods of sampling, inspecting, making analyses, testing and examining agricultural and vegetable seeds, and to make regulations governing tolerances allowed in the administration of this Act; also to adopt grades and standards for seeds and to name noxious weed seeds.

Adoption of rules and regulations.

Adoption of grades, standards, etc.

c. To issue "Stop Sale" orders which shall prohibit further sale of any lot of seed which the Commissioner or his authorized

Issuance of "Stop Sale" orders.

agent has reason to believe is being offered or exposed for sale in violation of any of the provisions of this Act, until the law has been complied with, or said violation otherwise legally disposed of.

Establishment and maintenance of seed laboratory.

d. To establish and maintain a seed laboratory with adequate facilities and personnel for such inspecting, sampling, and testing as may be necessary for the efficient enforcement of this Act.

Publication of information.

e. To publish or cause to be published at intervals information covering the findings of the seed laboratory.

Withdrawal of certain seed from sale.

f. To withdraw from sale seed not having a reasonable viability or that are extremely impure, or that are of distinct low quality otherwise, notwithstanding they may be properly labeled, when such withdrawal is in the interest of normal crop production.

Rules and regulations for free seed tests.

g. To make rules and regulations under which any person, of this State shall have the privilege of having samples of seed tested free of charge in the State Seed Laboratory.

Sources of funds for expenses of inspections, etc.

SEC. 7. That for the purpose of providing a fund to defray the expenses of the inspection, examination, and analysis prescribed in this Act:

Licensing of seed dealers.

a. Each seed dealer selling, offering or exposing for sale in, or export from, this State any agricultural, vegetable, or flower seeds, other than packet or package seeds, for seeding purposes, shall register with the Department of Agriculture the name of such dealer and shall obtain a license annually on January first of each year, and shall pay for such license as follows:

Fees payable by wholesalers, etc.

(1) Twenty-five dollars (\$25.00), if a wholesaler, or a wholesaler and retailer.

Fees payable by retailers with annual sales over \$100.

(2) Ten dollars (\$10.00), if a retailer with sales in excess of one hundred dollars (\$100.00) for the calendar year. Each branch of any wholesaler or retailer shall be required to obtain a retail license.

Fees payable by retailers with annual sales under \$100.

(3) One dollar (\$1.00), if a retailer at a permanent location with sales not in excess of one hundred dollars (\$100.00). Provided: That if and when the seed sales for the calendar year shall exceed one hundred dollars (\$100.00), application must be made for a ten dollars (\$10.00) license, credit to be given for the one dollar (\$1.00) license previously secured: Provided, further that no owner or operator of any harvester or threshing machine operating on a share basis and selling only the seed obtained in this manner shall come under the provisions of Section seven of this Act.

Exemption.



b. A one dollar (\$1.00) inspection stamp shall be purchased from the Department of Agriculture for each seventy-two (72) dozen packets or packages of vegetable or flower seeds, or fraction thereof. The said stamp shall be secured by the producer, grower, jobber or other person, firm or corporation shipping such seed into the State before shipment to agent or retailer, and shall be furnished to said agent or retailer for attachment to display case: Provided, also, that any producer, grower, jobber or other person, firm or corporation, residing within this State shall secure said stamp before furnishing any such seed to any agent or retailer within the State for resale. The said stamp or stamps shall be attached to the display case before the seed are offered or exposed for sale, and shall expire at the end of the calendar year for which issued: Provided further that in cases where package seed of one kind or variety are offered or exposed for sale in boxes or display cases not in excess of three dozen packages, a ten cent stamp shall be purchased from the Department of Agriculture and attached to said box or display case.

Inspection stamps.

Purchase by non-resident producers, etc.

Purchase by resident producers, etc.

Stamps attached to display case.

Stamps for certain package seed display cases.

SEC. 8. That every violation of the provisions of this Act shall be deemed a misdemeanor and punishable by a fine not to exceed five hundred dollars (\$500.00), and if the Commissioner shall find, upon examination, analysis, or test, that any person has violated any of the provisions of this Act, he or his duly authorized agent or agents may institute proceedings in a court of competent jurisdiction against such person; or the Commissioner, in his discretion, may report the results of such examination to the Attorney General, together with sworn statement of the analyst, duly acknowledged, and such other evidence of such violation as he shall deem necessary. Said sworn statement shall be admitted as evidence in any court of this State in any proceeding instituted under this Act; but, upon a motion of the accused, such analyst shall be required to appear as a witness and be subject to cross-examination: Provided, however, that no prosecution for violation of this Act, if such violations are based on tests or analyses, shall be instituted except in the manner following: When the Commissioner of Agriculture finds that this Act has been violated, as shown by test, examination or analysis, he shall give notice to the person responsible for labeling the seeds, designating a time and place for a hearing. This hearing shall be private, and the person or firm involved shall have the right to introduce evidence, either in person, or by agent or attorney. If, after said hearing, or without said hearing, in case said person fails or refuses to appear, the Commissioner decides that the evidence warrants prosecution, he shall proceed as herein provided. Moreover, it shall be the duty of the Attorney General, or, in his discretion, he may act through the attorney of the county or city in which such violation has occurred, to institute proceedings at once against the

Violations made misdemeanor.

Commissioner and agents authorized to institute court proceedings.

Report to Attorney General.

Sworn statement of analyst competent in evidence.

Appearance of analyst upon motion.

Procedure for prosecuting violations based on tests, etc.

Notice of hearing.

Hearing.

Determination by Commissioner.

Prosecutions by Attorney General.



Release of seeds  
for sale after  
compliance with  
Act.

person charged with such violations: Provided, such proceedings for violations shall be instituted according to the laws of this State: Provided, further that when the provisions of this Act have been fully complied with regarding any seeds which have been withdrawn from sale, or have been ordered by the Commissioner to be disposed of for other than seeding purposes, the Commissioner, may in his discretion, release the same for sale upon the payment of all costs and expenses incurred by the Department of Agriculture in any proceedings connected with such withdrawal.

Partial invalidity  
Section.

SEC. 9. That if any clause, provision or section of this Act is held invalid, the remaining sections and provisions shall not be affected thereby.

Conflicting laws  
repealed.

SEC. 10. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 11. That this Act shall be in full force and effect on and after the first day of July, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

## H. B. 74

## CHAPTER 115

AN ACT TO AMEND CHAPTER SEVENTY-EIGHT, PUBLIC LAWS ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, AS AMENDED BY CHAPTER TWO HUNDRED AND TWENTY-SEVEN, PUBLIC LAWS ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATIVE TO SUBSTITUTION OF TRUSTEES IN MORTGAGES AND DEEDS OF TRUST.

*The General Assembly of North Carolina do enact:*

Ch. 78, Public  
Laws, 1931,  
amended, as to  
substitution of  
trustees in deeds  
of trust by cer-  
tain lienholders.

SECTION 1. That Chapter seventy-eight of the Public Laws of one thousand nine hundred and thirty-one, as amended by Chapter two hundred and twenty-seven of the Public Laws of one thousand nine hundred and thirty-five, be and the same is hereby further amended by adding at the end of Section one thereof a new section to read as follows:

Application  
to C.S.C.

"SEC. 1 (a). That upon application being filed in writing by any person, firm or corporation or county, city or town who holds a lien on real or personal property upon which there is a subsequent or prior lien created by a mortgage, deed of trust or other instrument, and the mortgagee or trustee therein named is dead or has otherwise become incompetent to act, with the Clerk of the Superior Court of the county in which said property is located, setting forth the facts showing that said

Contents of  
application.

mortgagee or trustee is then dead or has become incompetent to act, the said Clerk of the Superior Court upon a proper finding of facts that said mortgagee or trustee is dead or has become incompetent to act, shall enter an order appointing some suitable and competent person, firm or corporation as substitute trustee upon whom service of process may be made and said substitute trustee shall thereupon be vested with full power and authority to defend any action instituted to foreclose said property as fully as if he had been the original mortgagee or trustee named, but the substitute trustee shall have no power to cancel said mortgage or deed of trust without the joinder of the holder of the notes secured thereby.

Order.

Effect of substitution.

Said application shall not be made prior to the expiration of thirty days from the date the original mortgagee or trustee becomes incompetent to act."

Time for making application.

SEC. 2. That Section four of Chapter seventy-eight of the Public Laws of one thousand nine hundred and thirty-one be and the same is hereby amended by inserting in line two of said section following the words "section one" and before the words "of this act" the words "or in Section one (a)."

Sec. 4, amended, as to right of appeal.

SEC. 3. That Section five of Chapter seventy-eight of the Public Laws of one thousand nine hundred and thirty-one be and the same is hereby amended by inserting in line two of said section following the words "section one" and before the word "hereof" the words "or in Section one (a)."

Sec. 5, amended, as to effect of acts of substituted trustee prior to removal.

SEC. 4. That Section six of Chapter seventy-eight of the Public Laws of one thousand nine hundred and thirty-one be and the same is hereby amended by inserting in line two of said section following the words "section one" and before the word "hereof" the words "or under Section one (a)."

Sec. 6, amended, as to registration of substitution.

SEC. 5. That Section eight of Chapter seventy-eight of the Public Laws of one thousand nine hundred and thirty-one be and the same is hereby amended by inserting in line one of said section between the words "section one" and the words "of this Act" the words "and in Section one (a)."

Sec. 8, amended, as to successive substitutions.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act to the extent of such conflict are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

## H. B. 111

## CHAPTER 116

AN ACT TO AMEND SECTION SEVEN, CHAPTER ONE HUNDRED, OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATING TO THE POWERS OF SANITARY DISTRICTS.

*The General Assembly of North Carolina do enact:*

Ch. 100, Public Laws, 1927, amended, as to powers of Sanitary Districts.

SECTION 1. That Section seven of Chapter one hundred, of the Public Laws of North Carolina, Session one thousand nine hundred and twenty-seven, as heretofore amended, be and the same is hereby amended by adding after Subsection eleven four additional Subsections to be numbered twelve, thirteen, fourteen and fifteen to read as follows:

Collection and disposal of garbage.

"12. To collect and dispose of garbage, waste, and other refuse by contract or otherwise.

Provision for fighting fires within district.

"13. To establish a fire department for the protection of property within the district, or to contract with cities, counties or other governmental units to furnish fire fighting apparatus and personnel for use in the district.

Privileges and immunities incident to performing such functions.

"14. The district, and in the event the district enters into a contract with any other governmental unit for the collection and disposal of garbage, waste or other refuse or for fire protection, as aforesaid, then, in that event, the district and such other governmental unit shall each have and enjoy all privileges and immunities that are now granted to other governmental units in exercising the governmental functions of collecting garbage, waste and other refuse, and furnishing fire protection.

Use of income of district; levy of taxes.

"15. To use the income of the district, and if necessary, to cause taxes to be levied and collected upon all the taxable property within the district sufficient to pay the costs of collecting and disposing of garbage, waste and other refuse, and to provide fire protection in said district, all as provided in this act."

Limited application of added sections.

SEC. 2. The provisions of Sections twelve, thirteen, fourteen and fifteen shall apply only to sanitary districts which adjoin and are contiguous to cities having a population of fifty thousand or more.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

H. B. 114

## CHAPTER 117

AN ACT RELATING TO THE TRANSFER OF CASES ON  
THE ABOLITION OF COURTS INFERIOR TO THE  
SUPERIOR COURTS.*The General Assembly of North Carolina do enact:*

SECTION 1. In case of the abolition of any court inferior to the superior court (except courts of the justices of the peace), all cases and matters then in such court, not finally disposed of, and all records of such court, shall forthwith be transferred and delivered to the superior court of the county in which such inferior court has functioned, for trial or other disposition of such cases and matters as may be necessary and proper.

Transfer to  
Superior Court  
of cases pending  
in abolished  
inferior court.

SEC. 2. The superior court to which such cases and matters are transferred shall have the power and jurisdiction to hear, deal with and dispose of the same to the same extent as would said inferior court had its existence continued.

Jurisdiction and  
powers of  
Superior Court  
in such cases.

SEC. 3. All laws and clauses of laws in conflict with the provision of this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

H. B. 117

## CHAPTER 118

AN ACT TO AUTHORIZE THE DEPARTMENT OF CON-  
SERVATION AND DEVELOPMENT TO ACQUIRE BY  
CONDEMNATION SUCH LAND FOR STATE FORESTS,  
STATE PARKS AND OTHER PUBLIC DEVELOPMENTS  
AS MAY BE NECESSARY.*The General Assembly of North Carolina do enact:*

SECTION 1. That Section six thousand one hundred and twenty-four of Volume two of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be further amended by striking out the period after the word "available" in line ten of said section and substituting a comma therefor and adding the following clause: "and to acquire by condemnation under the provisions of Chapter thirty-three of the Consolidated Statutes, as amended, such areas of land in different sections of the State as may in the opinion of the Department of Conservation and Development be necessary for the purpose of establishing and/or developing State forests, State parks and other areas and developments essential to the effective operation of the State forestry and State park activities with

C.S. 6124,  
amended, as to  
condemnation  
proceedings by  
Department of  
Conservation and  
Development.

Purpose.

Proceedings in name of State.

Use of property.

Approval of Governor and Council of State before instituting action.

which the Department of Conservation and Development has been or may be entrusted. Such condemnation proceedings shall be instituted and prosecuted in the name of the State of North Carolina, and any property so acquired shall be administered, developed and used for experiment and demonstration in forest management, for public recreation and for such other purposes authorized or required by law: Provided, that before any action or proceeding under this Act can be exercised, the approval of the Governor and Council of State shall be obtained and filed with the Clerk of the Superior Court in the county or counties where such property may be situate, and until such approval is obtained, the rights and powers conferred by this Act shall not be exercised."

Act not applicable to Stokes County.

SEC. 2. That the provisions of this Act shall not apply to Stokes County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

## H. B. 119

## CHAPTER 119

### AN ACT TO EXEMPT GASOLINE USED IN PUBLIC SCHOOL TRANSPORTATION FROM ALL GASOLINE TAXES IMPOSED BY THE STATE OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

State gasoline tax not included in invoices for gas for public school transportation.

Copies of invoice and purchase order sent to Revenue Department.

Exemption of gasoline from tax.

SECTION 1. Any person, firm or corporation holding a North Carolina State contract for the sale of gasoline to be used in public school transportation in North Carolina shall invoice gasoline so sold and delivered to the county boards of education at the prevailing contract price, less the State tax on gasoline. A copy of such invoice showing the board of education to whom the gasoline is delivered, the kind of gasoline sold, the gallons sold, and the contract price per gallon, shall be submitted to the North Carolina Department of Revenue each month, supported with an official purchase order from the county board or boards of education, which invoice or invoices and supporting purchase order shall exempt the gasoline purchased by said board or boards of education for use in North Carolina public school transportation from the six cents tax per gallon State gasoline tax.



SEC. 2. The Commissioner of Revenue of North Carolina is hereby authorized and directed to accept such invoices and supporting purchase orders, duly notarized, in lieu of the six cents per gallon tax imposed by the laws of North Carolina upon said gasoline: Provided, when any authorized dealer has already paid the State gasoline gallon tax and furnishes the Commissioner of Revenue with proper invoices and supporting purchase orders as required in Section one of this Act, then such dealer shall be entitled to a refund by the Commissioner of Revenue of six cents per gallon from the gasoline fund for each gallon so sold and delivered to the county boards of education for use in public school transportation in school busses, service trucks, and gasoline delivery wagons used only for school purposes.

Acceptance of invoices and purchase orders in lieu of tax.

Refunds to dealers when gas tax previously paid.

SEC. 3. It is the intent and purpose of this Act to relieve gasoline used in the public school system of North Carolina from the six cents gasoline tax now imposed by the State and thereby to that extent reduce the cost of public school transportation.

Intent and purpose of Act.

SEC. 4. Any person making a false return or affidavit for the purpose of securing a refund to which he is not entitled under the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars (\$500.00), or imprisoned not exceeding two years, in the discretion of the court.

False returns, etc., made misdemeanor.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of the conflict with this Act.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-one.

Effective date.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

H. B. 130

## CHAPTER 120

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO THE CUSTODY OF CHILDREN OF DIVORCED PARENTS IN CASES WHERE THE DIVORCE WAS GRANTED OUTSIDE OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter one hundred and fifteen of the Public Laws of one thousand nine hundred and thirty-nine be amended by inserting the words "or the respondent or child" immediately after the word "petitioner" and before the word "at" in the next to the last line of the section.

Ch. 115, Public Laws, 1939, amended, as to custody of children of parents divorced outside State.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

## H. B. 137

## CHAPTER 121

AN ACT TO PROVIDE FOR LEAVES OF ABSENCE WITHOUT COMPENSATION FOR STATE AND LOCAL OFFICIALS ABSENT FROM THEIR DUTIES BY REASON OF MILITARY AND NAVAL SERVICE, PROTRACTED ILLNESS, OR OTHER CAUSES.

*The General Assembly of North Carolina do enact:*

Leaves of absence for State Officials.

Governor's consent.

No salary during leave.

Exception.

Extension or termination of leave.

Limitation as to extension.

Appointment of substitute.

Leaves of absence for County Officials.

SECTION 1. Any elective or appointive State official may obtain leave of absence from his duties for military or naval service, protracted illness, or other reason satisfactory to the Governor, for such period as the Governor may designate. Such leave shall be obtained only upon application by the official and with the consent of the Governor. The official shall receive no salary during the period of leave unless the leave of absence is granted by reason of protracted illness, in which event the granting of a leave of absence shall not operate to deprive any such official of the benefits of cumulative sick leave to which he may be entitled under rules and regulations adopted pursuant to Section four of Chapter two hundred and seventy-seven of the Public Laws of one thousand nine hundred and thirty-one, as amended, or to which he may otherwise be entitled by law. The period of leave may be extended upon application to and with the approval of the Governor if the reason for the original leave still exists, and it may be shortened if the said reason shall unexpectedly terminate: Provided, that no leave or extension thereof shall operate to extend the term of office of any official beyond the period for which he was elected or appointed. If, by reason of the length of the period of absence or the nature of the duties of the official, the Governor deems it necessary, the Governor may appoint any citizen of the State, without regard to residence or district, as acting official or substitute for the period of the official's leave of absence, such appointee to have all the authority, duties, perquisites, and emoluments of his principal.

SEC. 2. Any elective or appointive county official may obtain leave of absence from his duties for military or naval service, protracted illness, or other reason satisfactory to the board of county commissioners of his county, for such period as the board

of county commissioners may designate. Such leave shall be obtained only upon application by the official and with the consent of the board of county commissioners. The official shall receive no salary during the period of leave unless the leave of absence is granted by reason of protracted illness, in which event the granting of a leave of absence shall not operate to deprive any such official of the benefits of any sick leave to which he may be entitled by law. The period of leave may be extended upon application to and with the approval of the board of county commissioners if the reason for the original leave still exists, and it may be shortened if the said reason shall unexpectedly terminate: Provided, that no leave or extension thereof shall operate to extend the term of office of any official beyond the period for which he was elected or appointed. If, by reason of the length of the period of absence or the nature of the duties of the official, the board of county commissioners deems it necessary, the board may appoint any qualified citizen of the county as acting official or substitute for the period of the official's leave of absence, such appointee to have all the authority, duties, perquisites, and emoluments of his principal.

Consent of Board of Commissioners.

No salary during leave.

Exception.

Extension or termination of leave.

Limitation as to extension.

Appointment of substitute.

SEC. 3. Any elective or appointive municipal official may obtain leave of absence from his duties for military or naval service, protracted illness, or other reason satisfactory to the governing body of the municipality, for such period as the governing body may designate. Such leave shall be obtained only upon application by the official and with the consent of the governing body. The official shall receive no salary during the period of leave unless the leave of absence is granted by reason of protracted illness, in which event the granting of a leave of absence shall not operate to deprive any such official of the benefits of any sick leave to which he may be entitled by law. The period of leave may be extended upon application to and with the approval of the governing body of the municipality if the reason for the original leave still exists, and it may be shortened if the said reason shall unexpectedly terminate: Provided, that no leave or extension thereof shall operate to extend the term of office of any official beyond the period for which he was elected or appointed. If, by reason of the length of the period of absence or the nature of the duties of the official, the governing body deems it necessary, it may appoint any qualified citizen of the municipality as acting official or substitute for the period of the official's leave of absence, such appointee to have all the authority, duties, perquisites, and emoluments of his principal.

Leaves of absence for Municipal Officials.

Consent of governing body.

No salary during absence.

Exception.

Extension or termination of leave.

Limitation as to extension.

Appointment of substitute.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

## H. B. 141

## CHAPTER 122

## AN ACT TO AID IN THE REGISTRATION OF BIRTH CERTIFICATES.

*The General Assembly of North Carolina do enact:*

Procedure for  
establishing fact  
of birth by  
persons without  
certificate.  
Petition.

Hearing before  
C.S.C.

Presentation of  
evidence.

Finding of facts,  
and judgment.

Copy of judgment  
recorded by State  
Bureau of Vital  
Statistics.

Copy to Register  
of Deeds of  
County of birth.

Effect of record  
of birth estab-  
lished under  
this Act.

Relation of Act  
to other laws.

Conflicting laws  
repealed.

SECTION 1. That any person born in the State of North Carolina not having a duly recorded certificate of his or her birth, may file a duly verified petition with the Clerk of the Superior Court in the county of his or her legal residence or place of birth, setting forth the date, place, and parentage of his or her birth, and petitioning the said clerk to hear evidence, and find, and adjudge the date, place and parentage of the birth of said petitioner. Upon filing said petition, the clerk shall set a date for hearing evidence upon the same, and shall conduct said proceeding in the same manner as other special proceedings. At the time set for said hearing the petitioner shall present such evidence as may be required by the court to establish the fact of such birth to the satisfaction of said court. At said hearing, if the evidence offered shall satisfy said court of the date, place, and parentage of said petitioner's birth, the court shall thereupon find the facts and enter a judgment duly establishing the date and place of birth and parentage of said petitioner, and record the same in the record of special proceedings in his office. The said clerk shall certify the same to the State Bureau of Vital Statistics and the same shall thereupon be recorded in the State Bureau of Vital Statistics upon forms which it may adopt and a copy thereof certified to the Register of Deeds of the county in which said petitioner was born. The fees charged hereunder by the clerk shall not exceed two dollars (\$2.00).

SEC. 2. That the record of birth established by such person under this Act when so recorded shall become a public record, and shall be accepted as such by the courts and other agencies of this State in the same manner as other public records.

SEC. 3. The provisions provided hereunder shall be cumulative, and not in disparagement of any other Acts or provisions for obtaining a delayed birth certificate.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.



H. B. 145

## CHAPTER 123

AN ACT TO AMEND CONSOLIDATED STATUTES FIVE THOUSAND EIGHT HUNDRED AND NINETY-TWO, VOLUME TWO, ONE THOUSAND NINE HUNDRED AND NINETEEN, RELATING TO THE ADMISSION OF STUDENTS TO THE NORTH CAROLINA SCHOOL FOR THE DEAF AT MORGANTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Consolidated Statutes five thousand eight hundred and ninety-two of Volume two, one thousand nine hundred and nineteen, be, and the same hereby is, amended by striking out the period following the word "years" in line six and substituting a semicolon therefor, and inserting the following: "Provided, that the board of directors may admit students under the age of eight years when, in its judgment, such admission will be for the best interest of the applicant and the facilities of the school permits such admission."

C.S. 5892, amended, as to admission of students under 8 years to N. C. School for Deaf.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

H. B. 163

## CHAPTER 124

AN ACT TO AMEND SECTION ONE HUNDRED AND FIFTY-SEVEN CONSOLIDATED STATUTES OF NORTH CAROLINA, RELATIVE TO COMMISSIONS ALLOWED REPRESENTATIVES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one hundred and fifty-seven of the Consolidated Statutes of North Carolina be, and the same is hereby repealed and the following is hereby enacted in lieu thereof:

C.S. 157, rewritten.

"Commissions allowed representatives.—Executors, Administrators, testamentary trustees, collectors, or other personal representatives or fiduciaries shall be entitled to commissions to be fixed in the discretion of the clerk not to exceed five per cent upon the amount of receipts, including the value of all personalty when received, and upon the expenditures made in accordance with law, which commissions shall be charged as a part of the costs of administration and, upon allowance, may

Commissions allowed personal representatives.

Maximum rate.

Basis of computation.



Facts considered in determining amount.

Commission when land sold for assets.

Time of making allowances.

Allowances for necessary charges, etc.

Commissions not allowable on distributions, etc.

Appeal from Clerk's order.

Conflicting laws repealed.

be retained out of the assets of the estate against creditors and all other persons claiming an interest in the estate. In determining the amount of such commissions, both upon personalty received and upon expenditures made, the clerk shall consider the time, responsibility, trouble and skill involved in the management of the estate. Where land is sold to pay debts or legacies, the commission shall be computed only on the proceeds actually applied in the payment of debts or legacies. The clerk may make allowances on account of commissions on receipts of personalty and expenditures at any time during the course of the administration, but the total commissions allowed shall be determined on final settlement of the estate and shall not exceed the limit herein fixed. Nothing in this Section shall prevent the clerk allowing reasonable sums for necessary charges and disbursements incurred in the management of the estate. Nothing in this Section shall be construed to allow commissions on allotment of dower, on distribution of the shares of heirs, on distribution of the shares of distributees of personal property or on distribution of shares of legatees; and nothing herein contained shall be construed to abridge the right of any interested party to such administration to appeal from the clerk's order to the Judge of the Superior Court."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

## H. B. 183

## CHAPTER 125

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, SO AS TO EXEMPT NON-STOCK, NON-PROFIT, CHARITABLE HOSPITALS FROM TAXATION.

*The General Assembly of North Carolina do enact:*

Sec. 600, (8), Ch. 310, Public Laws, 1939, amended, to include charitable hospitals within real estate tax exemption.

SECTION 1. That Section six hundred, Subsection eight, of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine be and the same is hereby amended by striking out the word "and" in line two and inserting immediately following the word "seven" in line two a comma and the words "and eleven."

Sec. 600, amended further, adding new section.

SEC. 2. That Section six hundred of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and

thirty-nine be and the same is hereby amended by adding a new subsection thereto, to be numbered Subsection eleven, which shall read as follows:

“(11) Real property actually used for hospital purposes, including homes for nurses employed by or in training in such hospitals, held for or owned by hospitals organized and operated as non-stock, non-profit, charitable institutions, without profit to the members or their successors, notwithstanding that patients able to pay are charged for services rendered: Provided, all revenues or receipts of such hospitals shall be used, invested, or held for the purposes for which they are organized; and provided, further, that where hospital property is used partly for such hospital purposes and partly rented out for commercial and business purposes, then only such proportion of the value of such building and the land on which it is located shall be exempt from taxation as is actually used for such hospital purposes. The provisions of this Section shall be effective as to taxes for the year one thousand nine hundred and thirty-six and subsequent years.”

Real estate used by non-profit, charitable hospital, exempt from taxes.

Prerequisite for exemption.

Proportionate exemption when partial commercial use of property.

Retroactive effect.

SEC. 3. That Section six hundred and one, Subsection seven, of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine be and the same is hereby amended by striking out the word “and” in line two, and inserting a comma and the words “and eleven” in line two immediately following the word “six.”

Sec. 601, (7), amended, to include charitable hospitals in personal property tax exemption.

SEC. 4. That Section six hundred and one of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine be amended by adding a new subsection thereto, to be numbered Subsection eleven and to read as follows:

Sec. 601, amended further, adding new section.

“(11) The furniture, furnishings, books, instruments, and all other tangible or intangible personal property held for or owned by hospitals organized and operated as non-stock, non-profit, charitable institutions, notwithstanding that patients of such hospitals able to pay are charged for services rendered: Provided, all revenues or receipts of such hospitals shall be used, invested, or held for the purposes for which they are organized. The provisions of this Section shall be effective as to any assessment for taxes for the year one thousand nine hundred and thirty-six and subsequent years.”

Personal property used by non-profit, charitable hospitals, exempt from taxes.

Prerequisite for exemption.  
Retroactive effect.

SEC. 5. That Subsection (a) of Section six hundred and two of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine be amended by adding the following sentence after the word “County.” in the third line from the end of said subsection:

Sec. 602, subsec. (a), amended.

“The provisions of this Subsection shall not apply to public hospitals or to hospitals organized and operated as non-stock, non-profit, charitable institutions, which, for the purposes of

Sub-section (a), as to taxation of private hospitals, not applicable to “public hospitals.”

Liability of local governments for services to indigents.

this Act, shall be deemed public hospitals: Provided, however, that nothing in this Subsection shall affect the liability of counties, cities, and towns to public hospitals, as herein defined, for services heretofore or hereafter rendered indigent patients or public charges and for which such counties, cities, or towns are or may be otherwise liable.”

Partial invalidity section.

SEC. 6. If any clause, sentence, paragraph, subsection, section, or any part of this Act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, subsection, section or part thereof directly involved in such judgment. No caption of any section or sections shall in any way affect the validity of this Act or any part thereof.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

## H. B. 194

## CHAPTER 126

### AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTEEN, SUBCHAPTER TWO, ARTICLE SIX, OF THE CONSOLIDATED STATUTES, RELATING TO BIRTH CERTIFICATES.

*The General Assembly of North Carolina do enact:*

Ch. 118, Consolidated Statutes, amended.

SECTION 1. That the following two sections be inserted in Chapter one hundred and eighteen of the Consolidated Statutes between Section seven thousand one hundred and one and Section seven thousand one hundred and two:

Registration of birth after 5 days, but before 4 years.

“7101 (a). Registration of birth certificate more than five days and less than four years after birth.—Any birth may be registered more than five days and less than four years after birth in the same manner as births are registered under this article within five days of birth. Such registration shall have the same force and effect as if the registration had occurred within five days of birth: Provided, such registration shall not relieve any person of criminal liability for the failure to register such birth within five days of birth as required under Section seven thousand one hundred and one of the Consolidated Statutes.

Criminal liability for failure to register birth within five days.

"7101 (b). Registration of birth certificate four years or more after birth.—The State Board of Health is authorized to promulgate rules and regulations under which any birth which has not been registered with the Bureau of Vital Statistics within four years after birth, as provided in Section seven thousand one hundred and one or Section seven thousand one hundred and one (a) of the Consolidated Statutes, may be registered with the Register of Deeds of the county in which the birth occurred: Provided, such registration shall not relieve any person of criminal liability for the failure to register such birth within five days of birth as required under Section seven thousand one hundred and one of the Consolidated Statutes. Each such birth must be registered in duplicate on forms approved by the State Board of Health and furnished by the State Registrar. The Register of Deeds shall forward the original and duplicate certificate to the Bureau of Vital Statistics for final approval. If the certificate complies with the rules and regulations of the State Board of Health and has not been previously registered, the State Registrar shall file the original and return the duplicate to the Register of Deeds for recording.

Registration of birth after four years.

Rules and regulations.

Criminal liability for failure to register birth within five days.

Registration in duplicate.

Original filed by State Registrar.

Copy recorded by Register of Deeds.

"Certificates registered with the Register of Deeds under this section shall contain the date of the delayed filing and be distinctly marked 'Delayed'; and those altered after being filed shall contain the date of alteration and be distinctly marked 'Altered'.

Certificates dated and marked "delayed," "altered."

"All copies of birth certificates registered under the provisions of this section, properly certified by the State Registrar, shall have the same evidentiary value as those registered within five days after birth.

Evidentiary value of certificates.

"The Register of Deeds shall receive a fee of fifty cents for each registration, to be paid by the registrant."

Register of Deeds' fee for recording.

SEC. 2. That the following section be inserted in Chapter one hundred and eighteen of the Consolidated Statutes of one thousand nine hundred and nineteen between Section seven thousand one hundred and two and Section seven thousand one hundred and three:

Ch. 118, C.S., amended further.

"7102 (a). Validation of irregular registration of birth certificates.—The registration and filing with the Bureau of Vital Statistics of the birth certificate of any person whose birth has not been registered within five days of birth under Section seven thousand one hundred and one of the Consolidated Statutes is hereby validated. All copies of birth certificates filed prior to the effective date of this section, properly certified by the State Registrar, shall have the same evidentiary value as if the birth had been registered within five days of such birth as provided by Section seven thousand one hundred and one of the Consolidated Statutes."

Irregular registrations of birth certificates, validated.

Evidentiary value of such certificates.



Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 4. That this Act shall be in full force and effect from and after thirty days after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

## H. B. 229

## CHAPTER 127

### AN ACT TO PROVIDE FOR THE LIQUIDATION OF THE STATE DRY CLEANERS COMMISSION.

Preamble:  
Ch. 30, Public  
Laws, 1937,  
declared  
unconstitutional.

WHEREAS, Chapter thirty of the Public Laws of one thousand nine hundred and thirty-seven, providing for the regulation, supervision and licensing of persons engaged in the business of cleaning and dyeing, was declared unconstitutional by a decision of the Supreme Court of North Carolina filed on February second, one thousand nine hundred and forty; and

Liquidation of  
State Dry  
Cleaners  
Commission  
necessary.

WHEREAS, it is necessary to properly liquidate the affairs of the commission appointed under the provisions of said Act: Now, therefore,

*The General Assembly of North Carolina do enact:*

Budget Bureau  
authorized to  
liquidate State  
Dry Cleaners  
Commission.

SECTION 1. That the Budget Bureau of the State is hereby empowered and authorized to act as liquidation agent for the State Dry Cleaners Commission, created by the State Dry Cleaners Act, Chapter thirty of the Public Laws of one thousand nine hundred and thirty-seven, and shall proceed to distribute the special fund now standing to the credit of said commission in the hands of the State Treasurer and pay the expenses of such liquidation therefrom.

Distribution of  
balance of  
special fund.

SEC. 2. That after deducting the expenses of the liquidation herein provided for, any balance of the special fund standing to the credit of the said commission in the hands of the State Treasurer shall be distributed and paid in the following order and manner:

Reimbursement  
of Budget  
Bureau for  
certain expenses.

(1) Six hundred sixty-eight dollars and ninety-one cents (\$668.91) shall be transferred by the State Treasurer to the credit of the Budget Bureau, to reimburse said bureau for payment from its own funds of expenses of the commission which had accrued prior to the time the Act was declared unconstitutional.

Pro rata dis-  
bursement of  
residue to  
certain payees.

(2) The residue of said funds shall be disbursed pro rata in accordance with amounts paid into said fund, to the respective payees thereof as shown by records of said commission.



(3) Any balance of the special fund then remaining shall revert to the General Fund of the State.

Reversion of balance to General Fund of State.

SEC. 3. All furniture and equipment of said commission shall be surrendered to the Division of Purchase and Contract for final disposition thereof.

Disposition of furniture, etc.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

H. B. 235

## CHAPTER 128

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, AS AMENDED BY CHAPTER NINETEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, AS AMENDED BY CHAPTER SIXTY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE TRANSFERS AND ASSIGNMENTS OF CLAIMS AGAINST THE STATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter two hundred and forty-nine of the Public Laws of one thousand nine hundred and twenty-five, as amended by Chapter nineteen of the Public Laws of one thousand nine hundred and thirty-five, as amended by Chapter sixty-one of the Public Laws of one thousand nine hundred and thirty-nine, be, and the same is hereby, amended by adding a proviso at the end of Section one thereof to read as follows:

Ch. 249, Public Laws, 1925, amended.

"Provided, further, that this Act shall not apply to assignments made by members of the State Highway Patrol, agents of the State Bureau of Investigation, Motor Vehicle Inspectors of the Revenue Department, and State Prison Guards, to the commissioners of the Law Enforcement Officers' Benefit and Retirement Fund in payment of dues due by such persons to such fund."

Law regulating assignments of claims against State not applicable to certain assignments.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and affect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

## H. B. 237

## CHAPTER 129

AN ACT TO AMEND SECTION TWO THOUSAND FOUR HUNDRED AND THIRTY-SIX OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, TO PROVIDE A LABORER'S LIEN ON MINE AND QUARRY PRODUCTS AND THE TOOLS AND MACHINERY USED IN CONNECTION THEREWITH.

*The General Assembly of North Carolina do enact :*

C.S. 2436,  
amended.

SECTION 1. That Section two thousand four hundred and thirty-six of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended by Chapter sixty-nine of the Public Laws of one thousand nine hundred and twenty-nine, be further amended by rewriting the section to read as follows:

Laborer's lien on  
lumber, minerals  
and quarry  
products.

"2436. Laborer's lien on lumber and mineral products.—

Property affected.

Every person doing the work of logging, or cutting or sawing logs into lumber, getting out wood pulp, acid wood, or tan bark, or doing the work of prospecting, mining, or quarrying, has a

Priority over  
other liens.

lien upon the logs or lumber, minerals, ore, and all other quarry and mine products, and upon the machinery, tools, and appli-

Notice of lien.

ances used in mining or producing said mine or quarry products for the amount of wages due him, and such lien shall have priority over all other claims or liens upon said logs or lumber,

Contents.

or mine or quarry products or mining or quarrying machinery, tools and appliances, except as against a purchaser for full value and without notice thereof: Provided, any such laborer

Copy of notice  
to property  
owner.

whose wages for thirty days or less are due and unpaid shall file notice of his claim before the nearest justice of the peace in the county in which the work has been done, stating the

Service of notice  
when owner  
cannot be  
located.

number of days of labor performed, the price per day, and the place where the logs, lumber or mine or quarry products, or

Status of vendee  
after notice filed.

mining or quarrying machinery, tools or appliances are situated, and the person for whom the labor was performed, and said statement shall be signed by the laborer or his attorney. Within

Limitation of  
actions.

five days after the notice of lien has been filed with the justice of the peace, a copy of such notice shall be given to the owner of said property. If the owner cannot be located, notice shall be given by attaching a copy of the notice on the logs or lumber, wood pulp, acid wood or tan bark, or mine or quarry products

upon which the labor sued for was performed, and on the mining or quarrying machinery, tools or appliances. Any person buying the lumber, logs, wood pulp, acid wood, tan bark, or mine or quarry products or mining or quarrying machinery, tools and appliances, after such notice has been filed with the nearest justice of the peace, shall be deemed to have bought the same with notice thereof. No action shall be maintained against the owner of such property or the purchaser thereof under the provisions of this section unless such action is commenced within

thirty days after notice is filed with the justice of the peace by such laborer: Provided, this Act shall apply only to the counties of Yancey, Mitchell and Avery: Provided, further, that nothing in this Act shall be construed to change the general lien laws of the State of North Carolina."

Application of Act.

Effect on general lien laws.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

H. B. 264

## CHAPTER 130

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND THIRTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATIVE TO THE ORGANIZATION AND MANAGEMENT OF MUTUAL BURIAL ASSOCIATIONS, AND TO PROVIDE FOR SUPERVISION THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter two hundred and thirty-nine of the Public Laws of North Carolina of the Session of one thousand nine hundred and thirty-seven be and the same is hereby repealed.

Ch. 239, Public Laws, 1937, repealed.

SEC. 2. That all Mutual Burial Associations now organized and operating in the State of North Carolina, and all Mutual Burial Associations hereafter organized and operating within said State, shall be under the general supervision of a burial association commissioner to be appointed by the Governor of the State of North Carolina, whose term shall be for a period of four years and his salary to be fixed by the Governor.

Mutual burial associations placed under supervision of Burial Association Commissioner.

Appointment and term.

SEC. 3. That all burial associations now operating in the State of North Carolina and all burial associations hereafter organized and operated in the State of North Carolina, for the benefit of both races, shall maintain and operate two separate branches, and the provisions of this Act shall apply to each branch as a separate association, except as hereinafter provided.

Maintenance of separate branches, when operated for benefit both races.

SEC. 4. That all burial associations now operating within the State of North Carolina, and all burial associations hereafter organized and operating within the State of North Carolina shall have and maintain rules and by-laws embodying in substance the following:

Requirements as to contents of by-laws.

## ARTICLE 1.

Name. That the name of this association shall be \_\_\_\_\_, which shall indicate that said association is a Mutual Burial Association.

## ARTICLE 2.

Objects and purposes.

That the objects and purposes for which this association is formed and the purposes for which it has been organized, and the methods and plan of operation of any association already organized, shall be to provide a plan for each member of this association for the payment of one funeral benefit for each member, which benefit shall consist of a funeral in merchandise and service, with no free embalming or free ambulance service included in such benefits; and in no case shall any cash be paid.

Certain free service prohibited.

That no other free service or any other thing free shall be held out, promised or furnished in any case. Such funeral benefit

Funeral benefits.

shall be in the amount of one hundred dollars (\$100.00) of merchandise and service, without free embalming or free ambulance service, for persons of the age of ten years and over, and in the amount of fifty dollars (\$50.00) for persons under the age of ten years.

## ARTICLE 3.

Qualifications for membership.

That any person of either the white or colored race who has passed his or her first birthday, and who has not passed his or her sixty-fifth birthday, and who is in good health and not under treatment of any physician, nor confined in any institution for the treatment of mental or other disease, may become a member of such burial association by the payment of a membership fee by such person, or for such person, of twenty-five cents. Applicant's birthday must be written in the application and subject to verification by any record the burial association commissioner may deem necessary to prove or establish a true date of the birth of any applicant.

## ARTICLE 4.

Time and place of annual meeting.

The annual meeting of the association shall be held at \_\_\_\_\_

Voting.

\_\_\_\_\_ (here insert the place, date and hour); each member shall have one vote at said annual meeting and fifteen members of the association shall constitute a quorum. There shall be elected at the annual meeting of said association a board of directors of seven members, each of whom shall serve for a period of from one to five years as the membership may determine and until his or her successor shall have been elected and qualified. Any member of the board of directors who shall fail to maintain his or her membership, as provided in the rules and by-laws of said association, shall cease to be a member of the board of directors and a director shall be appointed by the president of said asso-

Election, term, etc., of directors.

ciation for the unexpired term of such disqualified member. There shall be at least an annual meeting of the board of directors, and such meeting shall be held immediately following the annual meeting of the membership of the association. The directors of the association may, by a majority vote, hold other meetings of which notice shall be given to each member by mailing such notice five days before the meeting to be held. At the annual meetings of the directors of the association, the board of directors shall elect a president, a vice-president, and a secretary-treasurer. The president and vice-president shall be elected from among the directors, but the secretary-treasurer may be selected from the director membership or from the membership of the association, it being provided that it is not necessary that the secretary-treasurer shall be a member of the board of directors. The secretary-treasurer shall be the only paid officer of the association and his compensation shall be fixed by the board of directors. Among other duties that the secretary-treasurer may perform, he shall be chargeable with keeping an accurate and faithful roll of the membership of this association at all times and he shall be chargeable with the duty of faithfully preserving and faithfully applying all moneys coming into his hands by virtue of his said office. The president, vice-president and secretary-treasurer shall constitute a board of control who shall direct the affairs of the association in accordance with these articles and the by-laws of the association, and subject to such modification as may be made or authorized by an Act of the General Assembly. The secretary-treasurer shall keep a record of all assessments made, dues collected and benefits paid. The books of the association shall be at all times open to the inspection of the burial association commissioner, provided elsewhere in this Act.

Meetings of  
board of  
directors.

Officers.

Compensation of  
secretary-  
treasurer.

Duties of same.

Board of control.

Record of  
assessments.

Books open  
to inspection.

#### ARTICLE 5.

Upon the death of any officer, his successor shall be elected by the board of directors for the unexpired term. The president, vice-president and secretary-treasurer shall be elected for a term of from one to five years, and shall hold office until his successor is elected and qualified, subject to the power of the board of directors to remove any officer for good cause shown: Provided, that any officer removed by the board of directors shall have the right of appeal to the membership of the association, such appeal to be heard at the next ensuing annual meeting of said membership.

Terms of  
officers.

Removal by board  
of directors.  
Appeal.

#### ARTICLE 6.

Each member shall be assessed according to the following schedule (or in multiples thereof) at the age of entry of the member: Provided, those members joining at ages under ten shall be charged with the assessment for age ten when they reach their tenth birthday:

Schedule of  
assessments.



## ASSESSMENT RATE FOR AGE GROUPS:

First to tenth birthday .....	five cents ( 5¢)
Tenth to thirtieth birthday .....	ten cents (10¢)
Thirtieth to fiftieth birthday .....	twenty cents (20¢)
Fiftieth to sixty-fifth birthday .....	thirty cents (30¢)

(Ages shall be defined as having passed a certain birthday instead of nearest birthday.) Assessment shall always be made on the entire membership in good standing, and the frequency of the assessments will be governed by the death rate within the association.

## ARTICLE 7.

Payment of  
benefits.

No benefit will be paid for natural death occurring within thirty days from the date of the certificate of membership, which certificate shall express the true date such person becomes a member of this association, and the certificate issued shall be in acknowledgment of membership in this association. Benefits will be paid for death caused by accidental means occurring any time after date of membership certificate. No benefits will be paid in case of suicidal death of any member within one year from the date of the membership certificate. No agent or other person shall have authority to issue membership certificates in the field, but such membership certificates shall be issued at the home office of the association by duly authorized officers: The president, vice-president or secretary, and a record thereof duly made.

Membership  
certificates.

## ARTICLE 8.

Payment of  
assessments.

Notice of  
assessments.

Change of  
address.

Reinstatement  
of members.

Any member failing to pay any assessment within thirty days after notice shall be in bad standing, and unless and until restored, shall not be entitled to benefits. Notice shall be presumed duly given when mailed, postage paid, to the last known address of such members: Provided, moreover, that notice to the head of a family shall be construed as notice to the entire membership of such family in said association. Any member or head of a family changing his or her address shall give notice to the secretary-treasurer in writing of such change, giving the old address as well as the new, and the head of a family notifying the secretary-treasurer of change in address shall list with the secretary in such notice all the members of his or her family having membership in said association. Any member in bad standing may, within ninety days after the date of an assessment notice, be reinstated to good standing by the payment of all delinquent dues and assessments: Provided such person shall at the same time submit to the secretary-treasurer satisfactory evidence of good health, in writing, and no benefit will be paid for natural death occurring within thirty days after reinstatement. In case of death caused by accidental means, benefit will be in force immediately after reinstatement.

Any person desiring to discontinue his membership for any reason shall communicate such desire to the secretary-treasurer immediately and surrender his or her certificate of membership. Any adult member who is the head of a family, and who, with his family, has become in bad standing, shall furnish to the secretary-treasurer satisfactory evidence of the good health of each member desired to be reinstated in writing.

Discontinuance  
of membership.

#### ARTICLE 9.

The benefits herein provided are for the purpose of furnishing a funeral and burial service for a deceased member. The service shall be in keeping with the services and casket, sold at the same price, similar to that provided and charged by reputable funeral directors of this or other like communities.

Funeral and  
burial service.

#### ARTICLE 10.

It is understood and stipulated that the funeral and burial service provided in Article nine hereof shall be rendered by (give name of funeral director and town), which funeral director is designated in these rules and by-laws as the official funeral director of this association, and such funeral director shall be, by the secretary-treasurer of this association, immediately notified upon the death of any member, and upon the death of any member it shall be the duty of his or her nearest relative to notify the secretary-treasurer of the association of the death of such member. In the event a member in good standing shall die at a place beyond the territory served by the above named funeral director, the secretary of this association, being notified of such death, shall cause the deceased to receive a funeral and burial service equal to that provided for in these by-laws. The benefits provided for are to be payable to the funeral director rendering such funeral and burial service, which payment the secretary-treasurer is authorized to make. If the secretary-treasurer of the association shall fail, on demand, to provide the benefits as listed in Article nine of these rules and by-laws by arrangement with the official funeral director serving the community in which the services are required, then the benefits shall be paid in cash to the representative of the deceased qualified under law to receive such payments.

Designation of  
funeral director.

Burial service  
upon death of  
member at place  
beyond territory  
of association.

Benefits payable  
to representative  
of deceased upon  
failure of  
benefits.

#### ARTICLE 11.

If the proceeds of one assessment on the entire membership produces more than enough for burial or burials, on account of which said assessment is made, the balance shall be placed in the treasury of the association to apply on future burials. Assessments shall be made in such multiples of the assessment rate as is necessary to provide a fund to take care of anticipated deaths until the next assessment period. Whenever possible, assessments will be made at definitely stated intervals so as to reduce the cost of collection and to prevent lapse.

Limitation of  
assessments.

## ARTICLE 12.

Liquidation at  
instance of  
Burial Associa-  
tion Commis-  
sioner.

In the event the proceeds of one assessment on the entire membership does not prove sufficient at any time to yield the benefit provided for in these by-laws, then the secretary-treasurer shall notify the burial association commissioner who shall be authorized, unless the membership is increased to that point where such assessment is sufficient, to cause liquidation of said association, and may transfer all members in good standing to a like organization or association.

## ARTICLE 13.

Operating  
expenses.

All legitimate operating expenses of the association shall be paid out of the assessments, but in no case shall the entire expenses exceed twenty-five per cent of the assessments collected. In the expenses of operation shall be included an amount sufficient to pay burial association commissioner and two or more auditors, with office expenses, all not to exceed an outlay of exceeding seventeen thousand dollars (\$17,000.00) per year.

## ARTICLE 14.

Special meetings.

Special meetings of the association membership may be called by the secretary-treasurer when by him deemed necessary or advisable, and he shall call a meeting when petitioned to do so by sixty-six and two-thirds per cent of the members of said association who are in good standing.

## ARTICLE 15.

Revocation of  
membership.

The secretary-treasurer shall, upon satisfactory evidence that membership was granted to any person not qualified at the time of entry as provided under Article three of these by-laws, refund any amounts paid as assessment, and shall remove the name from the membership roll.

## ARTICLE 16.

Payment of  
assessments  
in advance.

Any member may pay any number of assessments in advance, in which case such member will not be further assessed until a like number of assessments shall have been levied against the remaining membership.

## ARTICLE 17.

Membership in  
two associations  
prohibited.

Effect of  
violation of  
prohibition.

No person may maintain active membership in two separate burial associations and, upon evidence that membership is maintained contrary to this article, the secretary-treasurer may call upon such member to forfeit all benefits and fees paid in either one or the other of the associations. That any person who is found to have maintained membership in two associations shall forfeit all benefits and fees paid in the second association of which he became a member, unless the membership in the original association was discontinued or such association had been placed in liquidation.

## ARTICLE 18.

Each year before the annual meeting of the membership of this association, the association shall cause to be mailed to each member in good standing a statement showing total income collected, expenses paid and burial benefits provided for by such association during the next preceding year (giving the names of each person buried and the amount expended by the association in such burial.) A statement mailed to the head of a family shall be regarded as notice to each member of such family holding membership in such association. The secretary or secretary-treasurer shall keep a faithful list of all notices mailed each year and shall note opposite the name of each member on the list of membership the date of mailing said statement.

Annual statements to members.

## ARTICLE 19.

That these rules and by-laws shall not be modified, cancelled or abridged by any association or other authority except by Act of the General Assembly of North Carolina.

Change or abridgment of by-laws.

SEC. 5. Each burial association shall have not more than five agents or representatives soliciting members other than the secretary-treasurer and president, and before any agent or representative shall or may represent any burial association in North Carolina, he or she shall first apply to the Burial Association Commissioner of North Carolina for a license, and the burial association commissioner shall have full power and authority to issue such license upon proof satisfactory to such commissioner that such person is capable of soliciting burial association memberships, is of good moral character and recommended by the association in behalf of which such membership solicitations are to be made. The burial association commissioner may reject the application of any person who does not meet the requirements set out by him, as to capacity, moral fitness on recommendations by the association. Upon the issuing of a license to solicit membership in any burial association, such person shall be required to pay in cash, at the time of issuing license to such applicant, to the burial association commissioner, the sum of ten dollars (\$10.00); moneys derived from this fee or charge to be and remain in the department or office of such burial association commissioner, for supervision of burial associations in this State, subject to withdrawal for expenses of supervision by authority of the burial association commissioner. It shall not be necessary that the president or secretary-treasurer of any burial association shall obtain a license for soliciting membership in any association, of which such person is president or secretary-treasurer. Membership certificates shall not be issued by a solicitor in the field, but shall be reported to the office of the association and there issued and a record made of such issuance at the time such certificate is so issued.

Limitation of soliciting agents.

Licensing of agents.

Qualifications.

Rejection of application for license by Commissioner.

License fee.

Use of moneys from fees.

President and secretary-treasurer of association exempt from license.

Issuance of membership certificates.



Assessments  
against associa-  
tions for super-  
vision expense.

SEC. 6. In order to meet the expense of supervision, the burial association commissioner shall prorate the amount of supervisory cost over and above any other funds in his hands for this purpose and assess each association on a pro rata basis in accordance with the number of members of each association and such association shall remit to the burial association commissioner his pro rata part of the assessment as fixed by the burial association commissioner, which expense shall be included in the twenty-five per cent expense allowance as provided in Article thirteen.

Unlawful to  
operate without  
written authority  
of Commissioner.

SEC. 7. That it shall be unlawful for any person, firm or corporation, association or organization to organize, operate, or in way solicit members for a burial association, or for participation in any plan, scheme, or device similar to burial associations, without the written authority of the burial association commissioner, and any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than two hundred and fifty dollars (\$250.00) or imprisoned not less than twelve months, or both, in the discretion of the court: Provided, however, the burial association commissioner shall not withhold authority for the organization or operation of a bona fide burial association, meeting the requirements of this Act, unless it shall be found and established to the satisfaction of the burial association commissioner that the person or persons applying for authority to organize and operate such bona fide burial association is disqualified or does not meet the requirements of this Act.

Violation made  
misdemeanor.

Punishment.

Authority not to  
be withheld un-  
less applicant  
disqualified  
under law.

Penalty for fail-  
ure to operate in  
substantial  
compliance with  
Act.

SEC. 8. That any burial association or other organization or official thereof, or any person who operates or allows to be operated a burial association on any plan, scheme or by-laws not in substantial compliance with the by-laws set forth in Section four of this Act, the burial association commissioner shall be authorized to revoke any authority or license granted for the operation of any burial association, and any person, firm or corporation or association convicted of the violation of this section shall be guilty of a misdemeanor and shall be fined not less than two hundred and fifty dollars (\$250.00) or imprisoned not less than one year in jail, or both, in the discretion of the court.

Penalty for  
wrongfully in-  
ducing person to  
change mem-  
bership.

SEC. 9. That any burial association official, agent or representative thereof or any person who shall use fraud or make any promise not a part of the printed by-laws, or who shall offer any rebate, gratuity or refund to cause a member of one association to change membership to another association, shall be guilty of a misdemeanor and upon conviction shall be fined not less than two hundred and fifty dollars (\$250.00) or imprisoned not less than one year in jail, or both, in the discretion of the court.



SEC. 10. That any burial association official who makes or allows to be made any false entry on the books of the association with intent to deceive or defraud any member thereof, or with intent to conceal from the burial association commissioner or his deputy or agent, or any auditor authorized to examine the books of such association, under the supervision of the burial association commissioner, shall be guilty of a misdemeanor and upon conviction shall be fined not less than two hundred and fifty dollars (\$250.00), or imprisoned in the common jail for not less than twelve months, or both, in the discretion of the court.

Penalty for making false and fraudulent entries.

SEC. 11. That any burial association official, agent or representative, or any other person who shall accept an application for membership in any association without collecting the fee from any such person making such application for membership, shall be guilty of a misdemeanor and upon conviction shall be fined not less than two hundred and fifty dollars (\$250.00), or imprisoned not less than twelve months in the common jail, or both, in the discretion of the court.

Accepting application, without collecting fee, made a misdemeanor.

SEC. 12. That any burial association secretary or secretary-treasurer who fails to maintain records to the minimum standards required by the burial association commissioner shall be by such commissioner removed from office and another elected in his stead, such election to be immediate and by the board of directions of said burial association upon notice of such removal.

Removal of secretary-treasurer for failure to maintain proper records.

SEC. 13. That any person or persons who accept donations from any source, or who contribute money or funeral services or free embalming, free ambulance service or any other thing free of charge, acting for any burial association, directly or indirectly, or who so acting shall in any way fail to assess for the amount needed to pay death losses and allowable expenses, shall be guilty of a misdemeanor and upon conviction shall be fined not less than two hundred and fifty dollars (\$250.00) or imprisoned in the common jail for not less than twelve months, or both, in the discretion of the court.

Acceptance of donations, failure to make proper assessments, etc., made misdemeanor.

SEC. 14. That upon the revocation of any license or authority by the burial association commissioner, under any of the provisions of this Act, the said association or individual whose license has been revoked, shall have right of appeal from the action of said burial association commissioner revoking such license or authority to the superior court of the county in which such burial association may be located, as in other cases of appeal, and the matter shall be heard de novo.

Right of appeal upon revocation of license.

SEC. 15. Every burial association licensed and doing business under the provisions of this Act shall collect and keep at all times in its treasury one regular loss assessment sufficient to pay one average loss and no burial association shall be licensed by the burial association commissioner until and unless it makes

Hearing de novo.

Maintenance of loss reserve.

Deposit of securities with Burial Association Commissioner.

Bond in lieu of securities.

Application of Act to association having branch for colored race, etc.

State-wide organization of mutual burial associations authorized.

Act deemed exclusive authority for organization, etc., of mutual burial associations.

Operation of burial association in violation of Act, prohibited.

Appointment and removal of Burial Association Commissioner.

Bond.

and maintains with him for the protection of its obligations and as assurance that all contractual obligations to its members will be fulfilled, at least five thousand dollars (\$5,000.00) in United States or North Carolina bonds, or in the bonds of some city, county or town of North Carolina to be approved by the burial association commissioner, or deposit with him a good and sufficient bond in an amount of not less than five thousand dollars (\$5,000.00) secured by deed of trust on real estate situate in North Carolina and approved by him, the bond thus given not to exceed sixty per cent of the appraised value of the real estate securing same, or deposit with the burial association commissioner a bond in an amount of not less than five thousand dollars (\$5,000.00) issued by any corporate surety company authorized to do business in this State: Provided, further, that if such association operates a branch for members of the colored race and the officers of both the associations are the same, then the provisions of this Act shall apply as of one association.

SEC. 16. That it shall be lawful for the several mutual burial associations of the State of North Carolina, in good standing, to organize and provide for a State-wide organization of mutual burial associations, which organization shall be for the mutual and general suggestive control of mutual burial associations in the State of North Carolina. Such organization shall have such name as agreed upon by the membership in meetings, and to be composed of members as are lawfully operating in the State and who pay their dues to such association.

SEC. 17. That this Act shall be deemed and held exclusive authority for the organization and operation of mutual burial associations within the State of North Carolina, and such associations shall not be subject to any other laws respecting insurance companies of any class.

SEC. 18. That no person, firm or corporation shall operate as a burial association in this State unless incorporated under the laws of the State of North Carolina, or be composed of a membership constituting an association complying with all the rules, regulations, sections and articles of this Act; and licensed and approved by the Burial Association Commissioner of the State of North Carolina.

SEC. 19. That the burial association commissioner provided for in this Act shall be appointed by the Governor for a term of four years, subject to removal for cause, and shall hold office until his successor is appointed and qualified. Such burial association commissioner shall give bond approved by the Insurance Commissioner of the State of North Carolina in the sum of ten thousand dollars (\$10,000.00), conditioned for his faithful application of all funds coming into his hands by virtue of his office.

SEC. 20. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 21. That this Act shall be in force from and after July first, one thousand nine hundred and forty-one. Effective date.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

H. B. 319

## CHAPTER 131

AN ACT TO AMEND SECTION FIVE THOUSAND OF THE CONSOLIDATED STATUTES RELATING TO JEWELRY AUCTIONEERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section five thousand of the Consolidated Statutes be, and the same is hereby amended by striking out the words "Insurance Commissioner" in every instance in which it occurs in the said section and inserting in lieu thereof the words "Commissioner of Revenue." C. S. 5000, amended, as to licensing of jewelry auctioneers, transferring functions to Revenue Department.

SEC. 2. That in every instance where the words "Insurance Department" appears in said section the same be stricken out and the words "Department of Revenue" inserted in lieu thereof. C. S. 5000, amended further, same purpose.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

H. B. 335

## CHAPTER 132

AN ACT TO AMEND SECTION ONE THOUSAND SIX HUNDRED AND EIGHTY-ONE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, AND TO EXEMPT SCOTLAND COUNTY FROM CERTAIN OF THE PROVISIONS THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one thousand six hundred and eighty-one of the Consolidated Statutes of North Carolina be and the same is hereby amended by adding at the end of said section the following: "Provided, the provisions of that portion of this section which follows the word 'collected' in line three shall not apply to Scotland County." C.S. 1681, amended, to exempt Scotland County from liability for damages by dogs.

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

## H. B. 363

## CHAPTER 133

AN ACT TO AMEND CHAPTER EIGHTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN AND THE ACTS AMENDATORY THEREOF RELATING TO THE CHARTER OF THE PUBLIC SCHOOLS OF DURHAM, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Ch. 86, Public  
Laws, 1887,  
amended.

SECTION 1. That Section seven of Chapter eighty-six of the Public Laws of one thousand eight hundred and eighty-seven be amended by striking out all of said section and substituting in lieu thereof the following:

Administration  
of State funds  
allocated to Dur-  
ham City Ad-  
ministrative  
School Unit.

Election of  
treasurer.

Receipt for  
funds.

Monthly reports.

Disbursement of  
funds.

Annual state-  
ment.

Audit and  
approval.

“SEC. 7. Treasurer; School Funds; How Received and Disbursed. The moneys which shall from time to time be apportioned under the General School Law of the State of North Carolina to the Durham City Administrative School Unit, and any moneys to which the said School Unit may be entitled by reason of any special tax, gift, grant, apportionment, or otherwise, shall be received by a treasurer to be elected annually by the members of the Board of Education of the City of Durham, or by whatever other name designated as the governing body of said School District or Administrative Unit, and whose receipt for such moneys shall constitute a sufficient voucher of such payment in the hands of any person paying the same, and the said treasurer shall report monthly to the said School Committee his receipts and disbursements, with all vouchers for the same. The moneys received as aforesaid shall be held by the treasurer until disposed of under the direction of the aforesaid School Committee, and the warrants signed by the Treasurer, and by the Secretary of said Committee, or the Superintendent or Chairman of said School Committee, or such other administrative officer or officers as said Committee may from time to time designate, shall be the only valid vouchers in the hands of said Treasurer for the disbursement of said money in any settlement required of him by law. The said Treasurer shall furnish annually to the said School Committee a statement in writing of his receipts and disbursements of the school money, properly and duly audited, and the same must be approved by the said School Committee before final acceptance of the same:



Provided, that the accounts, books, and vouchers of said Treasurer shall be open for the inspection of said School Committee at all times."

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect after April first, one thousand nine hundred and forty-one. Effective date.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

## H. B. 535 CHAPTER 134

### AN ACT TO PLACE THE JUDGE OF THE COUNTY RECORDER'S COURT OF HYDE COUNTY ON A SALARY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three of Chapter three hundred and ninety-six of the Public Laws of one thousand nine hundred and thirty-five be, and the same hereby is, amended to read as follows: Ch. 396, Public Laws, 1935, amended.

"SEC. 3. That if and when a county recorder's court is established for Hyde County, under the provisions of Section fifteen hundred and sixty-three of the Consolidated Statutes, Volume one, the clerk of the superior court shall be ex-officio clerk of the said county recorder's court and shall receive the same fees for his services as clerk of said court as he would receive for like or similar services rendered by him as clerk of the superior court. C. S. C. as ex-officio clerk of Hyde County Recorder's Court.

"The recorder or judge of said county recorder's court shall receive as compensation for his services a salary of twenty dollars (\$20.00) per month, to be paid from the General Fund of Hyde County. In order to provide funds to aid in defraying the expense of the salary of the judge of said court, the clerk of the recorder's court shall tax against each defendant who is convicted, or who confesses his guilt, or upon whom judgment is suspended in said court in cases originally within the jurisdiction of the justices of the peace, a tax fee of three dollars (\$3.00) in each case, and in all other cases within the jurisdiction of the said recorder's court a tax fee of five dollars (\$5.00), and shall pay such fees collected by him into the General Fund of the County. Fees.  
  
Salary of Judge.  
  
Fees taxed for defraying expense of judge's salary.

"The solicitor or prosecuting attorney in said county recorder's court shall receive a fee of five dollars (\$5.00) for prosecuting each and every defendant in said court and the clerk of said recorder's court shall tax said fee as a part of the bill of cost in each and every case. In case there is no conviction, the Fees of solicitor, taxed as part of costs.



No fees in event of acquittal. County not liable for fees.

Conflicting laws repealed.

solicitor or prosecuting attorney shall receive no fee or compensation for his services: Provided, however, that the County shall not be liable for any solicitors' or prosecuting attorneys' fees."

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

## H. B. 567

## CHAPTER 135

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND EIGHTEEN, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, AS AMENDED BY CHAPTER FOUR HUNDRED AND SEVENTY-ONE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, BY ALLOTING A PORTION OF THE ALCOHOLIC BEVERAGE FUND TO WILMINGTON PORT DEVELOPMENT.

*The General Assembly of North Carolina do enact:*

Ch. 418, Public Laws, 1935, amended, as to use of New Hanover County A.B.C. Funds.

Allocation of funds for development of Port of Wilmington.

Purposes specified.

SECTION 1. That Chapter four hundred and eighteen of the Public Laws of one thousand nine hundred and thirty-five, as amended by Chapter four hundred and seventy-one of the Public-Local Laws of one thousand nine hundred and thirty-seven, be and the same hereby is amended by striking out the period at the end of Section nineteen of the Public Laws of one thousand nine hundred and thirty-five, substituting therefor a semicolon, and adding the following provision: "also, saving and excepting from each of such quarterly divisions of profits a sum of money not less than two thousand dollars (\$2,000.00) and not more than three thousand dollars (\$3,000.00), the exact amount within this range to be determined by the Board of Commissioners of New Hanover County when they fix the annual budget. The said sum when so determined, within the limits hereinabove set, shall be paid over by the board, before the divisions hereinabove mentioned, and as hereinafter outlined, to the Treasurer of New Hanover County, to be used and expended under the direction and control of said board of commissioners under such rules and regulations, or through such agencies as it shall from time to time prescribe, for the purpose of encouraging the use of the Port of Wilmington, North Carolina, by shippers and industries within the distributing area of said port; to aid in increasing the tonnage and cargo moving through the Port of Wilmington, North Carolina; and generally, within the distributing area of Wilmington, North Carolina, to promote and develop the recognition of the ad-

vantages of the shipment of goods through said port, and to encourage, promote and establish such facilities and steamship sailings as are deemed necessary to bring about the objectives herein set forth.

"The payments by the board to the Treasurer of New Hanover County shall be in four equal installments on the first days of January, April, July and October of each year. For the fiscal year commencing July first, one thousand nine hundred and forty-one, and ending June thirtieth, one thousand nine hundred and forty-two, and for each fiscal year thereafter the Board of Commissioners of New Hanover County shall, as soon as the county budget is fixed, give written notice to the Chairman of the New Hanover County Alcoholic Beverage Control Board as to the exact amount, within the herein prescribed limits, approved by the said Board of Commissioners of New Hanover County for use during the ensuing fiscal year for the purposes set out herein; and, thereupon, the said New Hanover County Alcoholic Beverage Control Board shall pay over such sum, so approved, to the Treasurer of New Hanover County in the manner and amount hereinabove set out, the first payment in each fiscal year to be made on October first of that year, and the last payment of each fiscal year to be made on July first of such year."

Quarterly  
installments.

Notice by  
County Commis-  
sioners to A.B.C.  
Board Chairman  
of amount ap-  
proved.

Payments to  
County Treasurer.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

H. B. 579

## CHAPTER 136

AN ACT TO MAKE ALL FORMER LIVING GOVERNORS OF THE STATE OF NORTH CAROLINA MEMBERS OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA.

WHEREAS, the State of North Carolina has now living four former Governors; and

Preamble:  
Four former Gov-  
ernors now  
living.

WHEREAS, each of said former Governors has rendered the State of North Carolina great and valuable service, and will continue during the remainder of their lives to render such service to the State of North Carolina and its people; and

Service by such  
former Gov-  
ernors.

WHEREAS, the State of North Carolina at the present time has a great Governor and leader, who is now, and will continue to render invaluable service to the State and its interests, and

Present and  
future service by  
present Governor.

will after the expiration of his term of office continue to be vitally interested in the progress and welfare of the State of North Carolina and its citizens; and

Election of future capable leaders; interest in State affairs after terms.

WHEREAS, the people of the State of North Carolina will in the future continue to elect great and capable leaders as Governor of the State of North Carolina, who, after the expiration of their terms of office will continue to be vitally interested in the affairs of the great State of North Carolina; and

Contribution of U.N.C. to progress of State.

WHEREAS, the University of North Carolina has greatly contributed to the progress of the State of North Carolina in the past, and will continue to do so during future generations; and

Appointment of former Governors to U. N. C. Board of Trustees, desirable.

WHEREAS, each of the former Governors of North Carolina now living should be made a member of the Board of Trustees of the University of North Carolina and the present Governor and each succeeding Governor should, at the expiration of their terms of office, automatically become such members: Now, therefore,

*The General Assembly of North Carolina do enact:*

Living former Governors of State made honorary members of U. N. C. Board of Trustees.  
Voting rights.

SECTION 1. That each of the former Governors of North Carolina now living be, and he is hereby, made an honorary member of the Board of Trustees of the University of North Carolina for life, with the power to vote on all matters coming before said board of trustees for consideration.

Present and future Governors named as honorary members, upon expiration of office.  
Voting rights.

SEC. 2. That the present Governor of North Carolina, and each succeeding Governor, shall, at the expiration of the term of office of each, automatically become an honorary member of the Board of Trustees of the University of North Carolina for life, with the power to vote on all matters coming before the said board of trustees for consideration.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

H. B. 657

## CHAPTER 137

AN ACT PROVIDING FOR THE APPOINTMENT OF A COURT REPORTER FOR CARTERET COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Ch. 128, Public Laws, 1935, amended, exempting Carteret County from law.

SECTION 1. That Chapter one hundred and twenty-eight of the Public Laws of North Carolina of one thousand nine hundred and thirty-five be amended by adding at the end of Section seven of said Act, the following words: "PROVIDED this Act shall not apply to Carteret County."

SEC. 2. That the Clerk of the Superior Court of Carteret County, with the approval of the board of county commissioners of said county, be and he is hereby authorized and empowered to employ a court stenographer for Carteret County, such appointment to be recorded in the minutes of said court after the stenographer shall have taken according to law the following oath: "I, \_\_\_\_\_, do solemnly swear that I will to the best of my ability discharge the duties of the office of court stenographer in and for the County of Carteret and will faithfully transcribe the testimony offered in said courts as the presiding judge may direct or as I may be required to do under the law, so help me, God." Said oath shall be recorded in the office of the said clerk of court and indexed in the minutes of said court.

Appointment of  
Court Steno-  
grapher for  
Carteret County.

Record.

Oath.

SEC. 3. That in the event of incapacity of said reporter for any cause to serve at any term of court an interim reporter shall be appointed as herein prescribed, who shall receive the same compensation herein provided for the reporter for said services.

Appointment of  
interim re-  
porter.

Compensation.

SEC. 4. That said board of commissioners shall fix the compensation of said reporter and interim reporter, provided such compensation shall not exceed ten dollars (\$10.00) per day of actual court time and actual expenses; such payment to be made only after such reporter shall file with the said board of commissioners an itemized, verified account, approved by the clerk of said court.

Compensation of  
reporter and  
interim reporter  
fixed by Com-  
missioners.

Payment.

SEC. 5. That said reporter shall upon request of counsel in any case, approved by the judge, deliver to the clerk of court, a transcript of the trial proceedings in any cause, within twenty days from the adjournment of that term, this service being covered by the compensation herein prescribed.

Transcripts.

Time of  
delivery.

SEC. 6. That the proceedings taken and transcribed by said reporter duly certified by either the judge presiding at that term, or the reporter, may be offered in evidence in any civil action in any of the courts of this State as a deposition of any witness whose testimony is so taken under the laws governing depositions; but such transcripts shall be admissible only in the cause in which same is taken.

Certified tran-  
script admissible  
as evidence.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

## S. B. 255

## CHAPTER 138

AN ACT TO AMEND CHAPTER NINETY-EIGHT OF SECTION SIX THOUSAND AND SIXTY-NINE CONSOLIDATED STATUTES OF NORTH CAROLINA PERTAINING TO THE FIREMEN'S RELIEF FUND.

*The General Assembly of North Carolina do enact:*

C. S. 6069,  
amended; High  
Point Firemen's  
Relief Fund.

SECTION 1. That Section six thousand and sixty-nine of the Consolidated Statutes of North Carolina be amended by adding to the end thereof a new paragraph as follows:

Limitation of  
amount of funds  
retainable by  
Trustees, Fire-  
men's Relief  
Fund.

"Provided further, that the board of trustees duly appointed under section six thousand and sixty-nine of the Consolidated Statutes of North Carolina shall be required to pay, from time to time, all sums entrusted to it in excess of ten thousand (\$10,000.00) dollars over to the custodian of the Firemen's Pension and Disability Fund in its town or city, so that at no time shall said board of trustees retain in said fund more than ten thousand (\$10,000.00) dollars."

Application  
of Act.

SEC. 2. That this Act shall apply only to the City of High Point.

Conflicting laws  
repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act shall hereby be repealed.

SEC. 4. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.

## H. B. 390

## CHAPTER 139

AN ACT TO AMEND SECTION FIVE HUNDRED AND NINETY-THREE AND SECTION FIVE HUNDRED AND NINETY-SEVEN (b), OF VOLUME THREE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, AND TO REPEAL SECTION FIVE HUNDRED AND NINETY-SEVEN (c), OF VOLUME THREE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, RELATING TO JUDGMENTS.

*The General Assembly of North Carolina do enact:*

C. S. 593,  
amended, as to  
judgments enter-  
ed by C. S. C.  
(Vance County  
only).

SECTION 1. That Section five hundred and ninety-three of Volume one of the Consolidated Statutes of one thousand nine hundred and nineteen as amended by Chapter ninety-two of the Public Laws of the Extra Session of one thousand nine hundred and twenty-one, Chapters thirty-five and forty-nine of the Public Laws of one thousand nine hundred and twenty-nine, and Chapter one hundred and seven of the Public Laws of one



thousand nine hundred and thirty-nine be further amended by adding a period after the word "judgments" in subdivision (b), and by striking out the remainder of said subdivision, which reads as follows: "judgments coming within the meaning of (a) and (b) may be entered at any time)."

SEC. 2. That section five hundred and ninety-seven (b) of Volume three of the Consolidated Statutes of North Carolina be amended so as to read as follows:

C. S. 597 (b),  
amended.

"597 (b). Time for rendering judgments. Judgments or orders may be rendered or signed by the Clerks of the Superior Courts of North Carolina, except as herein otherwise provided, on any day of any week except Sunday and that the lien of all judgments rendered on same day shall be of equal priority and in any case where, prior to the ratification of this Act, any Judgment or Order, required to be rendered or signed on Monday, has been rendered or signed by any Clerk of the Superior Court on any day other than Monday, such Judgment or order is hereby declared to be valid and of the same force and effect as if it had been rendered or signed on Monday; and any conveyance executed by a Commissioner in any action or special proceeding where the appointment of the Commissioner, the order of sale, the order of re-sale, or the confirmation of sale was made on a day other than Monday, is hereby declared to be valid and to have the same force and effect as if it had been executed pursuant to a Judgment or Order signed on a Monday."

Time for rendering judgments by C. S. C.

Lien.

Validation of judgments not signed on day required.

Validation of conveyances by Commissioners under order not signed on day required.

SEC. 3. That Section five hundred and ninety-seven (c) of Volume three of the Consolidated Statutes of North Carolina, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

C. S. 597 (c),  
and conflicting  
laws, repealed.

SEC. 4. That this Act shall not apply to pending litigation.

Effect  
on pending  
actions.

SEC. 4. (a). That this Act shall apply to Vance County only.

Application of  
Act.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 12th day of March, 1941.

## S. B. 132

## CHAPTER 140

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE AUTHORIZING CITIES AND TOWNS HAVING A POPULATION OF MORE THAN FIVE THOUSAND TO ADOPT ORDINANCES RELATING TO THE REPAIR, CLOSING, AND DEMOLITION OF DWELLINGS UNFIT FOR HUMAN HABITATION: AND PROVIDING FOR THE REMEDIES AND PROCEDURE IN CONNECTION WITH ACTION TAKEN UNDER SUCH ORDINANCES.

*The General Assembly of North Carolina do enact:*

Ch. 287, Public Laws, 1939, amended.

SECTION 1. That Chapter two hundred and eighty-seven of the Public Laws of one thousand nine hundred and thirty-nine be, and the same is, hereby amended by striking out Subsection (a) of Section two of said chapter and substituting in lieu thereof the following:

"Municipality" defined for purposes of law authorizing repair, etc., of unfit dwellings.

"(a). "Municipality" shall mean any city or town having a population of five thousand or more, according to the federal census of the year one thousand nine hundred and forty."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.

## S. B. 221

## CHAPTER 141

AN ACT TO REPEAL SECTION FOUR THOUSAND THREE HUNDRED AND NINETY-TWO OF THE CONSOLIDATED STATUTES, RELATING TO THE SALE OF BONDS.

*The General Assembly of North Carolina do enact:*

C. S. 4392, repealed, as to notice of sale of bonds by local units.

SECTION 1. That Section four thousand three hundred and ninety-two of the Consolidated Statutes of North Carolina be and the same is hereby repealed.

Sale of bonds without compliance with C. S. 4392 not illegal.

SEC. 2. That no bonds heretofore sold or contracted to be sold in the manner provided by the Local Government Act, being Chapter sixty, Public Laws of one thousand nine hundred and thirty-one, as amended, shall be held to have been illegally sold by reason of failure to observe the requirements of Section four thousand three hundred and ninety-two of the Consolidated Statutes.

SEC. 3. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.

S. B. 222

## CHAPTER 142

AN ACT TO AMEND SECTION FIVE THOUSAND THREE HUNDRED AND FIFTY-SEVEN OF THE CONSOLIDATED STATUTES, RELATING TO THE SALE OF DRAINAGE DISTRICT BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section five thousand three hundred and fifty-seven of the Consolidated Statutes is hereby amended by adding at the end of said section the following: "Bonds of any drainage district heretofore sold or contracted to be sold by the Local Government Commission in the manner provided by the Local Government Act, either alone or in conjunction with the Board of Drainage Commissioners, shall be deemed to have been lawfully sold or contracted to be sold."

C. S. 5357,  
amended.

Validation of sale  
of certain  
drainage district  
bonds.

SEC. 2. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.

S. B. 257

## CHAPTER 143

AN ACT TO AMEND THE COMMITTEE SUBSTITUTE FOR HOUSE BILL NUMBER FIFTY-TWO, ENTITLED AN ACT TO PROVIDE OLD AGE SECURITY FOR OLD AND INCAPACITATED TEACHERS, AND STATE EMPLOYEES, TO PROVIDE FOR THE CREATION OF A RETIREMENT FUND THROUGH THE JOINT CONTRIBUTIONS OF EMPLOYERS AND EMPLOYEES, AND TO PROVIDE THE MACHINERY FOR THE PROPER ADMINISTRATION OF THIS LAW.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Subsection (c) of Section eight (8) of the Committee Substitute for House Bill Number fifty-two, ratified February seventeen, one thousand nine hundred and forty-one, be amended by striking out the period in line twenty-one and adding the following: "": Provided, that it shall be within the discretion of the County Board of Education in a county admin-

H. B. 52 (Ch. 25  
Public Laws,  
1941), amended,  
as to payments  
to teachers, etc.,  
Retirement Sys-  
tem by local  
education  
boards.

Discretion as to payments in excess of State Salary Schedule basis.

When salary paid from State and local funds, local units not relieved.

Remittances when entire salary paid by local unit.

istrative unit and the Board of Trustees in a city administrative unit, with the approval of the tax levying authorities of such unit, to provide for the payment from local tax funds of any amount specified in subsection (c) of this section in excess of the amount to be paid to the Retirement System on the basis of the State Salary Schedule and term. In case the salary is paid in part from State funds and in part from local funds, the local authorities shall not be relieved of providing and remitting the same per centum of the salary paid from local funds as is paid from State funds. In case the entire salary of any teacher, as defined in this Act, is paid from county or local funds, the county or city paying such salary shall provide and remit to the Retirement System the same per centum that would be required if the salary were provided by the State of North Carolina."

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.

## S. B. 265

## CHAPTER 144

AN ACT TO PROVIDE FOR THE PAYMENT TO THE WIDOW OF SENATOR T. W. M. LONG, DECEASED, OF COMPENSATION DUE HIM AS A MEMBER OF THE STATE SENATE.

*The General Assembly of North Carolina do enact:*

Compensation due Senator T. W. M. Long for legislative service, payable to widow.

SECTION 1. That there shall be promptly paid to Minnie Burgwyn Long, widow of Senator T. W. M. Long, deceased, the sum of four hundred and fifty dollars (\$450.00) out of the legislative appropriation for the proportion of the compensation due to Senator T. W. M. Long, deceased, as a member of the State Senate, accruing prior to the seating of his duly elected successor, and the balance of the constitutional compensation of six hundred dollars (\$600.00) shall be paid to the said duly elected successor.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.

H. B. 146

## CHAPTER 145

AN ACT TO AMEND SECTION TWO THOUSAND TWO HUNDRED AND EIGHTY-SEVEN OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, RELATING TO RESTORATION TO SANITY OF INSANE PERSONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two thousand two hundred and eighty-seven of the Consolidated Statutes be and the same is hereby amended by inserting between the word "residence" and the word "setting" in line six of said section the following: "or before the clerk of the Superior Court of the county wherein such person is confined or held; provided, however, that in all cases where a guardian has been appointed the cause of action shall be tried in the county where the guardianship is pending, and said guardian shall be made a party to such action before final determination thereof."

C. S. 2287,  
amended, as  
to restoration  
to sanity of  
insane persons.

Venue of proceed-  
ing to restore  
rights.

Guardian  
necessary party.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.

H. B. 388

## CHAPTER 146

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-FIVE OF THE PUBLIC LAWS OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE RELATING TO GASOLINE TAX.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Subsection (5) of Section twenty-four of Chapter one hundred and forty-five of the Public Laws of North Carolina of one thousand nine hundred and thirty-one be, and the same is hereby, amended by striking out that portion of said subsection beginning with the word "one" in the third from the last line and ending with the word "used," being the last word in said subsection, and inserting in lieu thereof the following: "two per cent (2%) on gross monthly receipts of motor fuels not exceeding 150,000 gallons, and less a tare of one and one-half per cent (1½%) on gross monthly receipts of such fuels in excess of 150,000 gallons and not exceeding 250,000 gallons, and less a tare of one per cent (1%) on gross monthly receipts of such fuels in excess of 250,000 gallons."

Sec. 24, Ch. 145,  
Public Laws,  
1931, amended, as  
to gasoline tax.

Tare on gross  
monthly receipts  
when tax meas-  
ured by gross  
quantity  
purchased.



Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.

#### H. B. 405

#### CHAPTER 147

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIFTY-SEVEN, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, AS AMENDED, SO AS TO PROVIDE FOR THE ISSUANCE OF FUNDING AND REFUNDING BONDS OF LOCAL UNITS OTHER THAN COUNTIES, CITIES AND TOWNS PURSUANT TO ALL OF THE PROVISIONS OF THE LOCAL GOVERNMENT ACT.

*The General Assembly of North Carolina do enact:*

Ch. 257, Public  
Laws, 1933,  
amended, as  
to issuance of  
funding bonds,  
etc., by certain  
local units.

SECTION 1. That Chapter two hundred and fifty-seven, Public Laws of one thousand nine hundred and thirty-three, being an Act to Provide for Funding and Refunding of Debts of Local Units of Government other than Counties, Cities and Towns, be and the same is hereby amended by striking out all of clause (e) of Section two and inserting in lieu thereof the following:

Application of  
Local Govern-  
ment Act.

“(e) The bonds shall also be issued in accordance with the provisions of the Local Government Act, Chapter 60, Public Laws of 1931, as amended.”

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.

H. B. 575

## CHAPTER 148

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND FIFTY, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, AS AMENDED, RELATING TO ISSUANCE OF SCHOOL DISTRICT REFUNDING AND FUNDING BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section three-A of Chapter four hundred and fifty, Public Laws of one thousand nine hundred and thirty-five, as amended by Chapter one hundred and twenty-six of the Public Laws of one thousand nine hundred and thirty-seven, be, and the same is hereby amended, by striking out the words at the beginning of said section, "In case the boundaries of any such school district are coterminous with any city or town, the" and inserting in lieu thereof the words "In case the governing body of any city or town is the body authorized by law to levy taxes for the payment of the bonds of such district, whether the territory embraced in such district lies wholly or partly within the corporate limits of such city or town, such."

Ch. 450, Public Laws, 1935, as amended, further amended.

Issuance of school district funding and refunding bonds by cities and towns.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.

H. B. 728

## CHAPTER 149

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIFTY-EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AND RELATING TO THE TERMS OF THE BOARD OF EDUCATION AND SCHOOL COMMITTEEMEN IN ONSLOW COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section seven of Chapter three hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine be amended by inserting at the end of the first paragraph of the section the following: "Provided, that in Onslow County the term of office of school committeemen, whenever appointed, shall not continue past the expiration of the terms of the members of the Board of Education which appointed such school committeemen."

Ch. 358, Public Laws, 1939, amended, as to terms of school committeemen in Onslow County.

SEC. 2. That the terms of the present members of the Board of Education of Onslow County shall expire on the first Monday in April, one thousand nine hundred and forty-one.

Terms of present members of Board of Education.

Conflicting laws  
repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.

H. B. 783

## CHAPTER 150

AN ACT TO AMEND HOUSE BILL NUMBER TWO HUNDRED AND NINETY-FIVE, RELATING TO PUBLIC DRUNKENNESS, SO AS TO ELIMINATE BURKE COUNTY FROM THE PROVISIONS THEREOF.

*The General Assembly of North Carolina do enact:*

H. B. 295 (Ch. 82, Public Laws, 1941), amended, eliminating Burke County from law.

SECTION 1. That House Bill Number two hundred and ninety-five, ratified March fifth, one thousand nine hundred and forty-one, be, and the same is hereby, amended by striking out the word "Burke" wherever the same appears therein.

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.

S. B. 107

## CHAPTER 151

AN ACT TO AMEND THE CONSTITUTION PROVIDING FOR THE ORGANIZATION OF THE STATE BOARD OF EDUCATION AND THE POWERS AND DUTIES OF THE SAME.

*The General Assembly of North Carolina do enact:*

Proposed amendment of Article IX, N. C. Constitution.

SECTION 1. That Article IX, Sections eight and nine, of the Constitution of North Carolina be amended by substituting for the said sections the following:

Creation of State Board of Education.

"SEC. 8. State Board of Education. The general supervision and administration of the free public school system, and of the educational funds provided for the support thereof, shall, from and after the first day of April, one thousand nine hundred and forty-three, be vested in a State Board of Education to consist of the Lieutenant Governor, State Treasurer, the Superintendent of Public Instruction, and one member from each Congressional

Membership.

District to be appointed by the Governor. The State Superintendent of Public Instruction shall have general supervision of the public schools and shall be secretary of the board. There shall be a comptroller appointed by the Board, subject to the approval of the Governor as director of the Budget, who shall serve at the will of the board and who, under the direction of the board, shall have supervision and management of the fiscal affairs of the board. The appointive members of the State Board of Education shall be subject to confirmation by the General Assembly in joint session. A majority of the members of said board shall be persons of training and experience in business and finance, who shall not be connected with the teaching profession or any educational administration of the State. The first appointments under this section shall be members from odd numbered Congressional Districts for two years, and members from even numbered Congressional Districts for four years and, thereafter, all appointments shall be made for a term of four years. All appointments to fill vacancies shall be made by the Governor for the unexpired term, which appointments shall not be subject to confirmation. The board shall elect a chairman and a vice-chairman. A majority of the board shall constitute a quorum for the transaction of business. The per diem and expenses of the appointive members of the board shall be provided by the General Assembly."

SEC. 2. That Article IX, Sections ten, eleven, twelve and thirteen, of the Constitution of North Carolina, be amended by substituting thereof one section, to be designated as Section nine, which shall be as follows:

"SEC. 9. Powers and Duties of the Board. The State Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina and the State Board of Education as heretofore constituted. The State Board of Education shall have power to divide the State into a convenient number of school districts; to regulate the grade, salary and qualifications of teachers; to provide for the selection and adoption of the text books to be used in the public schools; to apportion and equalize the public school funds over the State; and generally to supervise and administer the free public school system of the State and make all needful rules and regulations in relation thereto. All the powers enumerated in this section shall be exercised in conformity with this Constitution and subject to such laws as may be enacted from time to time by the General Assembly."

SEC. 3. That Sections fourteen and fifteen of Article IX of the Constitution of North Carolina shall be changed to Sections ten and eleven of Article IX of the Constitution of North Carolina.

SEC. 4. That Sections one, two and three of this Act shall be submitted at the next general election of the qualified voters in the State, in the same way and manner, and under the same

Secretary.

Appointment and term of Comptroller.

Duties.

Confirmation of appointive members.

Type of members.

Appointment and terms of members.

Vacancy appointments.

Chairman and Vice-Chairman.

Quorum at meetings.

Compensation of appointive members.

Further proposed amendment of Art. IX, N. C. Constitution.

Powers and duties of State Board of Education.

Exercise of powers in conformity with Constitution and Statutes.

Further proposed amendment of Art. IX, renumbering certain sections.

Referendum on proposed amendments.

rules and regulations as provided in the laws governing general elections in this State.

Form of ballots.

SEC. 5. That electors favoring the adoption of the amendments in Sections one, two and three of this Act shall vote ballots, on which shall be printed or written the words "For State Board of Education Amendments," and those opposed shall vote ballots, on which shall be printed or written the words "Against State Board of Education Amendments."

Conduct of election.

SEC. 6. That the election upon these amendments shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections, and if a majority of the votes cast be in favor of these amendments, it shall be the duty of the Governor of the State to certify the amendments under the Seal of the State to the Secretary of State, who shall enroll said amendments so certified among the permanent records of his office, and the amendments so certified, and every part thereof, shall be in force from and after the date of such certification.

Upon ratification, amendments certified by Governor to Secretary of State.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

## S. B. 137

## CHAPTER 152

AN ACT TO AMEND CONSOLIDATED STATUTES FIVE THOUSAND ONE HUNDRED AND SIXTY-EIGHT (e), AS AMENDED, FIVE THOUSAND ONE HUNDRED AND SIXTY-EIGHT (i), AS AMENDED, FIVE THOUSAND ONE HUNDRED AND SIXTY-EIGHT (r), VOLUME THREE, ONE THOUSAND NINE HUNDRED TWENTY-FOUR, AND CHAPTER ONE HUNDRED AND EIGHTY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO CONFEDERATE PENSIONS AND THE PAYMENT OF FUNERAL EXPENSES OF DECEASED PENSIONERS.

*The General Assembly of North Carolina do enact:*

C.S. 5168 (e), amended, as to examination and classification of applicants for Confederate pensions.

SECTION 1. That Consolidated Statutes five thousand one hundred and sixty-eight (e) of Volume three, one thousand nine hundred and twenty-four, as amended by Chapter one hundred and six of the Public Laws, Extra Session, one thousand nine hundred and twenty-four, be, and the same is hereby, amended by striking out after the word "pensions" in line two and before



the words "for examination" in line three, the following: "on or before the first Mondays in February and July of each year."

SEC. 2. That Consolidated Statutes five thousand one hundred and sixty-eight (i) of Volume three, one thousand nine hundred and twenty-four, as amended by Chapter ninety-six of the Public Laws of one thousand nine hundred and twenty-seven, be, and the same is hereby, amended by striking out after the word "war-rant" in line five and before the words "the Treasurer" in line five, the word "to" and substituting in lieu thereof the word "on."

C. S. 5168 (i),  
amended as to  
payment of  
pensions to blind  
and disabled  
soldiers.

SEC. 3. That Consolidated Statutes five thousand one hundred and sixty-eight (r) of Volume three, one thousand nine hundred and twenty-four, be, and the same is hereby, amended by striking out after the semicolon following the word "endorsement" in line four and before the words "and if" in line six, the following words: "and if such endorsement is made by the payee, it shall be attested by the official signature of the clerk of the superior court or some justice of the peace or notary public of the county in which such payee resides,".

C. S. 5168 (r),  
amended as to  
issuance of pen-  
sion warrants ;  
indorsement ; etc.

SEC. 4. That Section two of Chapter one hundred and eighty-seven of the Public Laws of one thousand nine hundred and thirty-nine be, and the same is hereby, amended by striking out the period following the word "pensioner" at the end thereof and substituting a colon therefore and adding the following: "Provided, that this section shall also apply to pensioners transferred to Old Age Assistance under the provisions of Chapter one hundred and two of the Public Laws of one thousand nine hundred and thirty-nine."

Ch. 187, Public  
Laws, 1939,  
amended, as to  
payment of  
funeral expenses  
of Confederate  
pensioners.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

## S. B. 148

## CHAPTER 153

AN ACT TO AMEND SECTION TWO THOUSAND SEVEN HUNDRED AND EIGHTY-SEVEN OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, SO AS TO AUTHORIZE CITIES TO ENACT ORDINANCES IMPOSING FEES FOR THE PRIVILEGE OF PARKING IN CERTAIN AREAS.

*The General Assembly of North Carolina do enact:*

C. S. 2787, subsec. 31, amended, as to powers of municipal corporations.

SECTION 1. That Section two thousand seven hundred and eighty-seven, Subsection thirty-one, of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be further amended by substituting a semicolon for the period at the end of said Subsection thirty-one and adding the following:

Regulation of vehicular parking.

“and to regulate and limit vehicular parking on streets and highways in congested areas.

Parking meters authorized.

“In the regulation and limitation of vehicular traffic and parking in cities and towns the governing bodies may, in their discretion, enact ordinances providing for a system of parking meters designed to promote traffic regulation and requiring a reasonable deposit (not in excess of five cents per hour) from those who park vehicles for stipulated periods of time in certain areas in which the congestion of vehicular traffic is such that public convenience and safety demand such regulation. The proceeds derived from the use of such parking meters shall be used exclusively for the purpose of making such regulation effective and for the expenses incurred by the city or town in the regulation and limitation of vehicular parking, and traffic relating to such parking, on the streets and highways of said cities and towns; provided this Act shall not apply to cities or towns in North Carolina having populations of twenty thousand or less as determined by the last Federal census.”

Use of proceeds from parking meters.

Act not applicable to certain municipalities.

Legal Construction of Sec. 29, Ch. 2, Public Laws, 1921; Sec. 61, Ch. 407, Public Laws, 1937.

SEC. 2. That nothing contained in Chapter two, Section twenty-nine, of the Public Laws of one thousand nine hundred and twenty-one, or in Section sixty-one of Chapter four hundred and seven of the Public Laws of one thousand nine hundred and thirty-seven shall be construed as in any way affecting the validity of these parking meters or the fees required in the use thereof.

Act not applicable to Guilford and Cumberland Counties.

SEC. 2. (a) This Act shall not apply to Guilford County or to any municipality therein, or to Cumberland County or to any municipality therein.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

S. B. 196

## CHAPTER 154

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-TWO OF THE PUBLIC LAWS OF NORTH CAROLINA ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN AS AMENDED BY CHAPTER FIFTY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE AND PROVIDING ADDITIONAL EDUCATIONAL ADVANTAGES IN STATE INSTITUTIONS TO WORLD WAR ORPHANS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter two hundred and forty-two of the Public Laws of one thousand nine hundred and thirty-seven of the regular session, as amended by Chapter fifty-four of the Public Laws of one thousand nine hundred and thirty-nine, be and the same is hereby further amended by striking from the first sentence of said section, after the words "who has died" the words "prior to one thousand nine hundred and twenty-five" so that the concluding phrase of said first sentence shall read "or any child whose father was a member of the armed forces of the United States of America during the aforesaid period and who has died as a direct result of injuries, wounds or other illnesses contracted during said period of service."

Ch. 242, Public Laws, 1937, amended, as to eligibility of World War orphans for free educational advantages.

SEC. 2. That all laws and clauses in conflict with the provisions are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

## S. B. 198

## CHAPTER 155

AN ACT TO ESTABLISH A STATE AUTHORIZED TRADE-MARK, FOR IDENTIFYING AND ADVERTISING NORTH CAROLINA FARM PRODUCTS OF STANDARDIZED QUALITY AND TO PROVIDE FOR THE PROPER USE AND REGULATION OF SUCH TRADEMARK.

Preamble:  
Loss of demand  
for certain farm  
products.

WHEREAS, the wide variety of meritorious farm products in North Carolina has suffered loss of demand and sales value due to lack of modern merchandising and advertising; and

Need for stand-  
ardization of  
quality, etc.

WHEREAS, through standardization of quality and protected identificaion, it would be possible to create more general recognition and acceptance of these products by the consuming public in larger volume and at more profitable prices to the advantage of the producers; and

Experience of  
other produc-  
ing areas under  
regulated pro-  
gram of adver-  
tising, etc.

WHEREAS, other producing areas of the country have definitely and materially increased income from farms under a properly organized and regulated program of merchandising and advertising to the considerable disadvantage of North Carolina producers: Now, therefore

*The General Assembly of North Carolina do enact:*

Adoption and  
copyright of  
trademark, etc.,  
for identification  
of N. C. farm  
products.

SECTION 1. The Board of Agriculture shall adopt an official trademark, brand, or label, the design of which shall incorporate the words "Tar Heel" superimposed on an outline map of North Carolina, to identify North Carolina farm products of grade and quality in keeping with standards to be set up by the board governing its use. The Board of Agriculture shall cause this trademark to be copyrighted to prevent imitation and infringement.

Regulation of  
use of  
trademark.

SEC. 2. The trademark may be used only in the manner prescribed by the Board of Agriculture and under the rules and regulations to be laid down by the board for its protection and use, and only on products meeting the quality, condition, pack and grade standards prescribed by the board consistent with Chapter eighty-four, Article nine of the Consolidated Statutes. No person, firm or corporation shall use this trademark on any product until the official inspection service of the Department of Agriculture certifies that the product meets the requirements of quality, condition, pack and grade standard set up by the board for the product.

Restriction of  
use.

Issuance of  
license for use of  
trademark.

Powers of Com-  
missioner of  
Agriculture.

SEC. 3. Growers, handlers, shippers or processors may procure a license to use the trademark on standardized products by applying to the Commissioner of Agriculture. The commissioner may investigate the integrity and business methods of each applicant and may refuse licenses to applicants whose use might endanger the reputation of the trademark. The commissioner

may suspend, revoke or cancel the license of any user who violates the terms of his license or of any rule or regulation of the board concerning its use. The Board of Agriculture may charge reasonable and uniform fees for the issuance of these licenses and for the use of the trademark by these licensees, and shall use these revenues to apply on the cost of administering this Act and to carry out a program of merchandising and advertising for standardized identified North Carolina farm products.

License fees.

Use of revenue.

SEC. 4. To facilitate the procurement of tags, labels, packages, bags or containers properly designed and constructed to display the official North Carolina State trademark, the following regulations shall be established:

Establishment of specified regulations.

(a) Manufacturers or distributors of tags, labels, packages, bags or containers shall apply to the Commissioner of Agriculture for a provider's license, and shall submit samples or designs of such tags, labels, packages, bags or containers for the commissioner's approval as to their construction, adaptability and practicability for the use planned. The commissioner shall license manufacturers or distributors of approved designs as approved providers of such articles, subject to rules, regulations and a reasonable license fee to be prescribed by the Board of Agriculture.

Licensing of manufacturers and distributors of approved designs.

(b) No such license shall be issued until the provider agrees to furnish such trademarked supplies only to persons, partnerships or corporations within the State licensed to use the trademark. The approved provider shall immediately report to the Commissioner of Agriculture, on blanks provided for that purpose, each sale and shipment of such authorized supplies, the name of the purchaser, the quantity and type of supplies sold, and the point to which it was shipped or delivered. The commissioner shall furnish approved providers with current lists of growers, shippers, handlers or processors licensed to use the North Carolina trademark.

Prerequisites for issuance of provider's license.

Report of sales.

Approved providers furnished with list of growers, etc.

(c) The Commissioner of Agriculture may suspend, revoke or cancel licenses of approved providers for violation of any of the terms of this license, in which case equitable arrangements will be made for disposal of manufactured goods in stock.

Suspension, etc., of provider's licenses.

SEC. 5. Any person, firm or corporation who knowingly violates any of the provisions of this Act or any of the rules and regulations promulgated under it by the Board of Agriculture, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than one year, or both, for each offense.

Violation of Act made misdemeanor.



Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

S. B. 263

## CHAPTER 156

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIFTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO THE PUNISHMENT FOR THE ILLEGAL TAKING OF FISH AND DEER IN BUNCOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 352, Public Laws, 1937, amended.

SECTION 1. That Section one of Chapter three hundred and fifty-two of the Public Laws of one thousand nine hundred and thirty-seven be, and the same is hereby, amended by striking out the period following the word "offense" in the last line thereof, substituting a semicolon therefor, and adding the following:

Punishment for violations of fish law, Buncombe County.

"Provided, that in Buncombe County any person who shall take, trap, kill, or injure fish in any of the waters of said county by means of the use of any drug or poison bait of any description, of the use of any dynamite, giant or electric powder, or any explosive substances whatsoever, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00) or imprisoned not less than thirty days. For the purpose of this proviso, the possession of fish killed by explosive agencies shall be deemed prima facie evidence that explosives were used for the purpose of killing fish."

Ch. 352, Public Laws, 1937, amended further.

SEC. 2. That Chapter three hundred and fifty-two of the Public Laws of one thousand nine hundred and thirty-seven be, and the same is hereby, further amended by adding a new section after Section two, to be designated as Section two and one-half, to read as follows:

Hunting deer during certain hours, Buncombe County, prohibited.

"SEC. 2½. Notwithstanding the provisions of Section one of this Act, it shall be unlawful for any person to hunt deer between the hours of sunset and sunrise in Buncombe County with or without the use of any spotlight, jacklight or flashlight. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) or imprisoned not less than thirty days."

Violation made misdemeanor.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. 109

## CHAPTER 157

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FORTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AND CHAPTER SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE LAW ENFORCEMENT OFFICERS' BENEFIT AND RETIREMENT FUND.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section nine of Chapter three hundred and forty-nine of the Public Laws of one thousand nine hundred and thirty-seven be amended by striking out the first nine lines of said section and inserting in lieu thereof the following: Sec. 9, Ch. 349, Public Laws, 1937, amended, as to costs assessed in criminal cases, for operation of S.B.I.

"In every criminal case finally disposed of in the criminal courts of this State, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere and is assessed with the payment of costs, or where the costs are assessed against the prosecuting witness, there shall be assessed against said convicted person, or against such prosecuting witness, as the case may be, one dollar (\$1.00) additional cost to be collected and paid over to the Treasurer of North Carolina and held in a special fund for the purposes of this Act. The local custodian of such costs shall monthly transmit such moneys to the State Treasurer, with a statement of the case in which the same has been collected."

SEC. 2. That Section three, Chapter six, of the Public Laws of one thousand nine hundred and thirty-nine be amended by striking out all of Subsection (a) of said Section three and inserting in lieu thereof the following: Sec. 3, Ch. 6, Public Laws, 1939, amended.

"(a) One hundred thousand dollars (\$100,000.00) of the moneys so received shall annually be set up in a special fund to be known as "The Law Enforcement Officers' Benefit and Retirement Fund," or so much of the said sum of one hundred thousand dollars (\$100,000.00) as shall be required to pay benefit payments as provided in this Act, and to match the contributions which shall be made to the Law Enforcement Officers' Benefit and Retirement Fund by eligible law enforcement officers, and the balance of the moneys so collected shall be paid into the general fund of the State." Law Enforcement Officers' Benefit and Retirement Fund.

Ch. 6, further amended.

SEC. 3. That Chapter six of the Public Laws of one thousand nine hundred and thirty-nine be further amended by striking out all of Subsections (b) and (c) in Section three and inserting in lieu thereof the following:

Board of Commissioners of Law Enforcement Officers' Benefit and Retirement Fund, created.

Members.

Compensation.

Quorum at meetings.

No per diem for ex-officio members.

Organization of Board.

Officers and employees.

Holding public office, political activities, etc., by employees prohibited.

Use of funds for political purposes prohibited.

Violation made misdemeanor.

“(b) For the purpose of determining the recipients of benefits under this Section and the amounts thereof to be disbursed and for formulating and making such rules and regulations as may be essential for the equitable and impartial distribution of such benefits to and among the persons entitled to such benefits, there is hereby created a board to be known as ‘The Board of Commissioners of the Law Enforcement Officers’ Benefit and Retirement Fund,’ which shall consist of the State Auditor, who shall be chairman ex-officio of said board, the State Treasurer, the State Insurance Commissioner, and four members to be appointed by the Governor and to serve at his will, one of whom shall be a sheriff, one a police officer, one from the group of law enforcement officers as hereinafter defined, employed by the State, and one representing the public at large. No member of said Board of Commissioners shall receive any salary, compensation or expenses other than a per diem of not exceeding seven dollars (\$7.00) for each day’s attendance at duly and regularly called and held meetings of the Commission, the total of which meetings for which per diem may be allowable as herein provided not to exceed eight meetings in any one year. Four members of said board shall constitute a quorum at any of said meetings, and no business shall be transacted unless a quorum be present. Ex-officio members shall not receive any per diem.

“(c) That as soon as is practicable after the ratification of this Act and after the appointment of the four members herein authorized to be appointed by the Governor, the organization of said board shall be perfected by the selection from its members of a vice-chairman, and secretary, to serve for a term of one year and until their successors shall have been elected and qualified, and by the selection by the board, by a majority vote, of such employees as in the opinion of the board, with the approval of the Governor, as may be necessary for the proper handling of the business of the board of commissioners, such employee or such employees to hold office at the will of the board of commissioners. No employee of the board of commissioners shall during the period of such employment or during any leave of absence therefrom hold any public office, be a candidate for any public office, or engage in any political activity whatsoever for or on behalf of any candidate for public office, either in the primary or election. The violation of the restriction herein contained against political activity shall subject such employee to immediate discharge; and any such employee who shall use any funds of the commission for political purposes or shall incur any expense whatsoever in connection with any political activity, paid or payable out of the funds of said commission, shall be guilty of a misdemeanor and upon conviction thereof shall be

punishable as provided by law in the case of misdemeanors. Nothing herein contained shall prevent any employee from exercising his individual right of franchise in any primary or election. Nothing in this Section shall affect the right of any employee of said commission who is at present a member of the General Assembly from continuing as such member for the duration of such present term."

Voting rights  
unimpaired.

Effect on present  
members of Gen-  
eral Assembly.

SEC. 4. That Chapter six, Public Laws of one thousand nine hundred and thirty-nine, be further amended by adding a new section, as follows:

Ch. 6. amended  
further, as to  
application of  
Teachers and  
State Employees  
Retirement Act.

"SEC. 3½. That no State employee participating in the retirement benefits of this Act shall be eligible to participate in the retirement benefits provided by the Committee Substitute for House Bill Number fifty-two, ratified February seventeenth, one thousand nine hundred and forty-one, known as 'The Teachers and State Employees Retirement System Act'."

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 6. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-one.

Effective date.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. 115

## CHAPTER 158

AN ACT TO PROVIDE FOR THE EXTENSION OF THE PUBLIC SCHOOL SYSTEM TO EMBRACE TWELVE GRADES IN THOSE SCHOOL DISTRICTS REQUESTING THE SAME.

*The General Assembly of North Carolina do enact:*

SECTION 1. That upon the request of the county board of education or the board of trustees of a city administrative unit, the State School Commission shall provide for the operation of a school system to embrace twelve grades in accordance with such plans as may be promulgated by the State Superintendent of Public Instruction in any high school district for which such request is made at the time the organization statement is submitted.

Operation of  
public school  
system to em-  
brace twelve  
grades, author-  
ized, upon re-  
quest by local  
unit.

SEC. 2. That when the request for the extension of the system of the public school to embrace twelve grades is submitted as provided in Section one of this Act, the cost of the same shall be paid from the appropriation made for the operation of the State eight months' school term in the same manner and on the same standards, subject to the provisions of this Act, as provided in the "School Machinery Act."

Provision for  
cost of operating  
twelve grades.



Application blanks for requesting twelve grades.

Allotment of teachers for 1942-43.

Basis.

Basis for schools not previously operating 12 grades.

Use of appropriation for school year, 1941-42.

Conflicting laws repealed.

Effective date.

SEC. 3. That the State Superintendent of Public Instruction and the State School Commission shall provide the necessary blanks and forms for requesting an extension of the public school system to embrace twelve grades as herein provided, in the organization statements to be submitted by the several administrative units of the State in preparation for the school term of one thousand nine hundred and forty-two - forty-three, and annually thereafter, and the State School Commission shall allot teachers for the school year one thousand nine hundred and forty-two - forty-three for any district heretofore operating a school program embracing twelve grades upon the basis of attendance for the preceding year: Provided, that for any district requesting to operate for the first time a system embracing twelve grades the allotment of teachers shall be based on a fair and equitable estimate of the prospective increase in attendance, as submitted by the requesting unit, and the average attendance for the preceding year.

SEC. 3½. That the appropriation made available for carrying out the provisions of this Act for the school year one thousand nine hundred and forty-one - forty-two shall be used for the expansion of the public school curriculum to embrace twelve grades under rules to be promulgated by the State Superintendent of Public Instruction and the State School Commission, in order that the cost of the twelfth grade may be assumed for the year one thousand nine hundred and forty-two - forty-three as provided by Section three of this Act.

SEC. 4. All laws and clauses of laws in conflict with this Act, to the extent of such conflict only, are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

## H. B. 212

## CHAPTER 159

AN ACT TO ESTABLISH DEMONSTRATION OYSTER FARMS IN THE STATE OF NORTH CAROLINA FOR THE PURPOSE OF INVESTIGATING, DEVELOPING AND IMPROVING THE OYSTER AND OTHER SHELLFISH RESOURCES IN THE STATE.

Preamble: Opportunity for development of shellfish resources.

WHEREAS, the shellfish resources offer one of the most promising opportunities for development in the State of North Carolina with possibilities of increasing the source of income for thousands of its citizens; and

Results of studies.

WHEREAS, various studies show that some one million (1,000,000) acres of sound bottoms are capable of producing oysters and



only about twelve thousand (12,000) acres of this vast area supply the entire crop of oysters; and

WHEREAS, for a fuller realization of the possibilities of the shellfish resources of the State, demonstrations of proper and successful methods of culture are essential and have led to substantial increases in the income of commercial fishermen in other states: Now, therefore,

Demonstrations  
of proper methods  
of culture  
essential.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there shall be established in the sounds or other bodies of suitable water in North Carolina in the manner hereafter set forth two or more experimental and demonstration oyster farms for the purpose of showing proper scientific and practical procedure for the private cultivation of oysters.

Establishment of  
experimental  
oyster farms.

SEC. 2. That the construction and management of said oyster farms shall be vested in the Division of Commercial Fisheries of the North Carolina Department of Conservation and Development, with the coöperation of the Fishery Biological Laboratory of the United States Fish and Wildlife Service at Beaufort, North Carolina.

Construction and  
management.

SEC. 3. For the purpose of securing a site or sites; for purchasing, renting or constructing the necessary buildings, piers, boats, materials and equipment; and for other expenses required in establishing and operating oyster demonstration farms, there is hereby appropriated the sum of ten thousand dollars (\$10,000), or so much thereof as may be needed, from the general fund to the Division of Commercial Fisheries of the Department of Conservation and Development for the purposes outlined during the biennium of one thousand nine hundred and forty-one thousand nine hundred and forty-three. Proceeds from the sale of oysters and any other income derived from the operation of the said oyster farms shall be kept in a separate fund and expended only for the maintenance of such farms as may be established or for the further development of the oyster and other shellfish resources of the State.

Appropriation  
for construction  
and operating  
expenses.

Disposition of  
proceeds from  
sale of oysters.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

## H. B. 216

## CHAPTER 160

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, BEING AN ACT PROVIDING FOR THE EXTENSION OF ASSESSMENTS.

*The General Assembly of North Carolina do enact:*

Ch. 126, Public Laws, 1935, amended, as to extension of time for paying special assessments.

SECTION 1. That Section one of Chapter one hundred and twenty-six of the Public Laws of one thousand nine hundred and thirty-five, as amended by Chapter one hundred and ninety-eight of the Public Laws of one thousand nine hundred and thirty-nine, be further amended by striking out in line two the words "one thousand nine hundred and forty" and inserting in lieu thereof the words "one thousand nine hundred and forty-two."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

## H. B. 258

## CHAPTER 161

AN ACT RELATING TO THE TAX EXEMPTION OF CERTAIN ELECTRIC MEMBERSHIP CORPORATIONS ORGANIZED OR REORGANIZED UNDER CHAPTER TWO HUNDRED AND NINETY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, AND PROVIDING FOR LIMITED AND CONDITIONAL REFUNDS.

Preamble: State policy of encouraging rural electrification.

WHEREAS, it is the policy of the State to encourage and facilitate the extension and expansion of rural electrification in North Carolina; and

Operations of corporations formed under C.S., Ch. 93, similar to business of Electric Membership Act corporations.

WHEREAS, certain rural electric corporations organized under Chapter ninety-three, Sub-chapter IV of the Consolidated Statutes, have engaged in the business of building, maintaining and operating rural electrification projects on a mutual and non-profit basis and in a manner and for purposes in all respects similar to the business carried on by corporations organized under the Electric Membership Act, Chapter two hundred and ninety-one of the Public Laws of one thousand nine hundred and thirty-five; and

Corporations formed or reorganized under 1935 Act entitled to tax exemptions.

WHEREAS, the first mentioned corporations have reorganized or are about to reorganize as electric membership corporations under the provisions of the Act of one thousand nine hundred

and thirty-five and are in justice and right entitled to the tax exemptions granted to electric membership corporations, and whereas, if such exemptions are not granted, there is grave danger that said corporations will not be able to survive: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That electric membership corporations organized or reorganized under the provisions of Chapter two hundred and ninety-one of the Public Laws of one thousand nine hundred and thirty-five, and existing as a corporation thereunder six months from the date of ratification of this Act shall not be liable for any State or local taxes which have accrued since the ratification of said Act of one thousand nine hundred and thirty-five, notwithstanding that previously they were organized and existed as a corporation under the provisions of Chapter ninety-three, Subchapter IV, of the Consolidated Statutes, as amended, and any such taxes paid by such corporations during the period of their existence as a corporation under the provisions of Chapter ninety-three, Subchapter IV, of the Consolidated Statutes, as amended, and after the date of ratification of said Act of one thousand nine hundred and thirty-five, shall be refunded without interest.

Electric Membership corporations formed or reorganized under 1935 Act, exempt from taxes.

Refund of taxes paid.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. 539

## CHAPTER 162

AN ACT TO REQUIRE MILK DISTRIBUTORS AND MILK PROCESSORS TO KEEP CERTAIN RECORDS AND FURNISH CERTAIN REPORTS TO THE DEPARTMENT OF AGRICULTURE, RELATING TO MILK DISTRIBUTED OR SOLD BY THEM.

*The General Assembly of North Carolina do enact:*

SECTION 1. Definition. Wherever the word "milk" appears hereinafter in this Act, it shall be construed to include all whole milk, cream, chocolate milk, buttermilk, skim milk, special milk and all flavored milk.

"Milk" defined.

SEC. 2. That every person, firm, or corporation that purchases milk on a classification basis and/or that purchases both inspected and uninspected milk for processing and distribution and sale in North Carolina shall, not later than the twenty-fifth of each month following the month such business is carried on, furnish information to the Commissioner of Agriculture, upon blanks to be furnished by him which will show a detailed state-

Reports by certain distributors and processors to Commissioner of Agriculture, as to milk sold.

Information shown.

ment of the quantities of the various classifications of milk purchased and the class in which this milk was distributed or sold. Such reports shall include all milk purchased from producers and/or purchased, sold, or transferred between plants, distributors, affiliates and subsidiaries.

Powers of Commissioner of Agriculture.

SEC. 3. The Commissioner of Agriculture shall have the power:

(a) to require such reports as will enable him to determine the quantities of milk purchased and the classification in which it was disposed;

(b) to designate any area of the State as a natural marketing area for the sale of milk;

(c) to set up the classifications of milk that may be necessary to properly carry out and enforce the provisions of this Act for each marketing area after full, complete and impartial hearing. Due notice of such hearing shall be given.

Distribution of milk in classification higher than that in which purchased, prohibited.

Exception.

SEC. 4. It shall be unlawful for any operator of a milk processing plant or any milk distributor, required to make reports under this Act, or their affiliates or subsidiaries, to sell, use, transfer, or distribute any milk in a classification higher than the classification in which it was purchased, except in an emergency declared and approved in writing by the local board of health having supervision of operators and distributors on such market for a period of two weeks, and such period may be extended if, in the opinion of the local board of health, an emergency still exists at the end of such two weeks period.

Inspections and investigations by Commissioner.

SEC. 5. For the purpose of administering this Act the Commissioner of Agriculture or his agent is hereby authorized to enter at all reasonable hours all places where milk is being stored, bottled, or processed, or where milk is being bought, sold, or handled, or where books, papers, records, or documents relating to such transactions are kept, and shall have the power to inspect and copy the same in any place within the State, and may take testimony for the purpose of ascertaining facts which in the judgment of the Commissioner are necessary to administer this Act. The Commissioner shall have the power to determine the truth and accuracy of said books, records, papers, documents, accounts, and reports required to be furnished by milk distributors, their affiliates or subsidiaries in accordance with the provisions of this Act.

Failure to file reports, etc., made unlawful.

Each day's failure separate offense.

SEC. 6. It shall be unlawful for any person, firm or corporation engaged in the business herein regulated to fail to furnish the information and file the reports required by this Act, and each day's failure to furnish the reports required hereunder shall constitute a separate offense.

SEC. 7. Any person, firm, or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not more than one thousand dollars (\$1,000.00), or be imprisoned for not more than one year, or by both such fine and imprisonment in the discretion of the court.

Violation of  
Act made  
misdemeanor.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. 549

## CHAPTER 163

AN ACT TO AMEND CONSOLIDATED STATUTES SIX THOUSAND SIX HUNDRED AND TWENTY-TWO, VOLUME THREE, ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR, RELATING TO THE PRACTICE OF MEDICINE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Consolidated Statutes six thousand six hundred and twenty-two, Volume three, one thousand nine hundred and twenty-four, be, and the same is hereby, amended by adding a new subsection immediately following Subsection twelve, to be designated as Subsection thirteen, to read as follows:

C.S. 6622,  
amended.

"13. That any person practicing Radiology as hereinafter defined shall be deemed to be engaged in the practice of medicine within the meaning of this article.

Practice of  
Radiology deemed  
practice of  
medicine.

"'Radiology' shall be defined as, that method of medical practice in which demonstration and examination of the normal and abnormal structures, parts or functions of the human body are made by use of x-rays.

"Radiology"  
defined.

"Any person shall be regarded as engaged in the practice of Radiology who makes or offers to make, for a consideration, a demonstration or examination of a human being or a part or parts of a human body by means of fluoroscopic exhibition or by the shadow imagery registered with photographic materials and the use of x-rays; or holds himself out to diagnose or able to make or makes any interpretation or explanation by word of mouth, writing or otherwise of the meaning of such fluoroscopic or registered shadow imagery of any part of the human body by use of x-rays; or who treats any disease or condition of the human body by the application of x-rays or radium."

Practice of  
Radiology  
defined.



Radiology practice by licensees under Articles II, V, VI and XI, Ch. 110, Consolidated Statutes.

SEC. 2. That nothing in this Subsection shall prevent the practice of Radiology by any person licensed under the provisions of Articles II, V, VI and XI of Chapter one hundred and ten of the Consolidated Statutes, Volume two, one thousand nine hundred and nineteen, as amended.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

## H. B. 604

## CHAPTER 164

### AN ACT TO PROVIDE THAT THE OFFICE OF PROSECUTING ATTORNEY OF THE RECORDERS COURT OF WASHINGTON COUNTY BE AN ELECTIVE OFFICE.

*The General Assembly of North Carolina do enact:*

C.S. 1579, amended.

SECTION 1. That Consolidated Statutes one thousand five hundred and seventy-nine, Volume one, one thousand nine hundred and nineteen, be, and the same is hereby amended by striking out the period following the word "accordingly" in lines seven and eight, substituting a colon therefor, and adding the following:

Term of present prosecuting attorney, Washington County Recorders Court.

"Provided, that in Washington County the prosecuting attorney of the recorders court shall hold office until the first Monday in December, one thousand nine hundred and forty-two, and until his successor is elected and qualified.

Election of prosecuting attorney.

"That at the general election to be held in one thousand nine hundred and forty-two, and biennially thereafter, the prescuting attorney of the recorders court of Washington County shall be nominated and elected in the same manner and at the same time as is now provided by law for the nomination and election of the elective officers of the county and in the general election for such elective officers. The prosecuting attorney so elected under the terms of this Act shall hold office for a period of two years, and until his successor is elected and qualified."

Term of office.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. 639

## CHAPTER 165

AN ACT TO AMEND SECTION THREE THOUSAND NINE  
HUNDRED AND TWENTY-THREE OF THE CONSOLI-  
DATED STATUTES OF NORTH CAROLINA, RELATING  
TO FEES OF JUSTICES OF THE PEACE IN WAKE  
COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three thousand nine hundred and twenty-three of the Consolidated Statutes be and the same is hereby amended by adding at the end of said section the following:

C.S. 3923,  
amended.

“Justices of the Peace in Wake County shall receive the following fees and none other:

Fees of Justices  
of the Peace,  
Wake County.

JUSTICE OF THE PEACE BILL OF COST IN CIVIL ACTIONS.

Issuing summons and entering judgment where the action is not contested .....	\$1.10	Costs in civil actions.
Additional defendants, each .....	.25	
Plaintiffs undertaking .....	.50	
Defendants undertaking .....	.50	
Order for removal .....	.50	
Issuing subpoena each witness .....	.25	
Judgment contested each where there is no jury trial .....	1.50	
Transcript of judgment each .....	.25	
Issuing execution of judgment .....	.50	
Return notice on appeal .....	.75	
Jury trial and entering judgment .....	2.00	
Issuing subpoena or order for each juror .....	.25	
Issuing Claim and Delivery proceedings each .....	2.00	
Judgment contested each .....	1.50	
Additional defendants each .....	.50	
Issuing attachment proceedings and order to seize property, each .....	2.50	
Judgment contested, each .....	1.50	
Additional defendants, each .....	.50	
Signing garnishee notice for taxes for each person .....	.25	
For each hearing and judgment entered .....	1.50	
Probate of deed chattel mortgage, or deed of trust for each signer thereof .....	.25	
Hearing petition for widow's year's allowance, issuing notice to commissioners, allotting the same making returns .....	2.00	
Filing and Docketing laborer's lien .....	.75	

JUSTICE OF THE PEACE BILL OF COST IN CRIMINAL ACTIONS.

Affidavit each .....	.25	Costs in criminal actions.
Warrant each .....	.75	

Issuing subpoena each witness .....	.25
Commitment each .....	.50
Recognizance each .....	.15
Judgment not contested each .....	.75
Judgment contested each where there is no jury trial .....	1.50
Order for removal .....	.50
Taking bond for each defendant .....	.50
Capias and order .....	1.00
Jury trial and entering judgment .....	2.00
Issuing subpoena or order for each juror .....	.25
Sci-Fa each .....	1.00''

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. 640

CHAPTER 166

AN ACT TO ABOLISH MARKERS IN GENERAL ELECTIONS IN SAMPSON COUNTY, BY AMENDING SECTION TWENTY-SIX AND SECTION TWENTY-SEVEN OF CHAPTER ONE HUNDRED AND SIXTY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, AS AMENDED.

*The General Assembly of North Carolina do enact:*

Sec. 26, Ch. 164,  
Public Laws,  
1929, amended.

SECTION 1. That Section twenty-six of Chapter one hundred and sixty-four of the Public Laws of one thousand nine hundred and twenty-nine, as amended, be, and the same is hereby amended by adding at the end thereof the following:

Section per-  
mitting markers  
in elections  
inapplicable in  
Sampson County.

“Provided that this section shall not apply to any general election held in Sampson County, and provided that in all such elections held in said county, where it appears to the satisfaction of the registrar and judges of election of any precinct, that a voter is blind or physically unable to actually mark his or her ballots, and where such voter personally requests the said officials to do so, they may appoint two or more persons of good moral character to accompany such voter into the voting booth to mark the ballots at the direction of such voter, provided that in appointing the persons to so assist the voter the said election officials shall name a representative of each political party whose candidates’ names appear on the ballots. Provided that in the printing of all official ballots for use in general elections in Sampson County the respective party columns shall be uniformly placed upon the ballots.

Appointment of  
markers for blind  
voters, etc.

Party columns  
uniformly placed  
on ballots.

"In any general election held in Sampson County it shall be unlawful for any person so appointed to suggest by word or deed how a voter's ballot shall be marked, or to mark any ballots in any manner other than as directed by such voter; and it shall be unlawful for more than one person to enter or occupy a voting booth at any time, unless assistants have been appointed as herein provided, and, then, only the duly appointed assistants shall accompany the voter into the booth. No person, except the election officials, may act as an assistant hereunder more than one time during any one day. Any person violating any of the provisions of this section shall be guilty of a misdemeanor."

Suggesting manner of vote by markers prohibited.

Occupation of voting booth by more than one, unlawful.

Exception.

Violation made misdemeanor.

SEC. 2. That Section twenty-seven of Chapter one hundred and sixty-four of the Public Laws of one thousand nine hundred and twenty-nine, as amended, be, and the same is hereby amended by adding at the end thereof the following:

Sec. 27, amended, making provision for markers for illiterates, etc., inapplicable to Sampson County.

"Provided that this section shall not apply to any election held in Sampson County."

SEC. 3. This Act shall apply only to Sampson County.

Application of Act.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed, and no provision of this Act shall be construed as being repealed by the enactment of any general law at this session of the General Assembly, unless this Act is specifically referred to by number and title.

Conflicting laws repealed.

Construction of Act.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. 641

## CHAPTER 167

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-NINE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, BY MAKING ABSENTEE VOTING INAPPLICABLE TO THE ELECTION OF COUNTY AND TOWNSHIP OFFICIALS IN SAMPSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred and fifty-nine of the Public Laws of one thousand nine hundred and thirty-nine be, and the same is hereby amended by adding at the end thereof the following:

Ch. 159, Public Laws, 1939, amended.

"That none of the provisions of this chapter shall apply to the election of any county or township official in Sampson County."

Absentee Voting Law not applicable to Sampson County in local elections.

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. 658

## CHAPTER 168

AN ACT TO AMEND CHAPTER FIFTY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, TO PLACE THE TREASURER-TAX COLLECTOR OF MITCHELL COUNTY ON A FEE BASIS.

*The General Assembly of North Carolina do enact:*

Ch. 53, Public  
Laws, 1931,  
amended.

SECTION 1. That Section two of Chapter fifty-three of the Public Laws of one thousand nine hundred and thirty-one be amended by adding the following at the end thereof:

Treasurer-  
Tax Collector,  
Mitchell County,  
placed on com-  
mission basis.

Percentage rate.

"That from and after the first Monday in December, one thousand nine hundred and forty-two, the duly elected and qualified Treasurer-Tax Collector of Mitchell County shall receive, in lieu of any salary or fee which he is now entitled to receive, a commission of one per centum (1%) on the first fifty thousand dollars (\$50,000.00) of taxes collected by him; a commission of two per centum (2%) on the first thirty-five thousand dollars (\$35,000.00) of taxes, over and above fifty thousand dollars (\$50,000.00), collected by him; and a commission of five per centum (5%) on the balance of the taxes, over and above eighty-five thousand dollars (\$85,000.00), collected by him. The fees allowed by this section shall be in full compensation for all the duties performed by said Treasurer-Tax Collector.

Postage, etc.,  
furnished by  
County  
Commissioners.

"The Board of County Commissioners of Mitchell County shall furnish to the Treasurer-Tax Collector of Mitchell County all necessary postage, stationery and envelopes, including the actual postage necessary for the mailing out in due time of all tax notices.

Present  
Treasurer-Tax  
Collector author-  
ized to elect fee  
basis in lieu  
of salary.

"The present Treasurer-Tax Collector of Mitchell County may elect, upon the giving of ten days' written notice to the Board of County Commissioners of Mitchell County, to be paid on a fee basis, rather than a salary basis, under the provisions of this Act; and, upon the proper accounting for any salary drawn by him since the first Monday in December, one thousand nine hundred and forty, the present Treasurer-Tax Collector of Mitchell County shall be entitled to the commissions allowed by and required to perform the duties imposed by this Act for the remainder of his term of office."



SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. 689

## CHAPTER 169

AN ACT TO AUTHORIZE THE ISSUANCE OF SIXTY THOUSAND DOLLARS (\$60,000.00) REVENUE BONDS FOR THE NORTH CAROLINA STATE COLLEGE OF AGRICULTURE AND ENGINEERING OF THE UNIVERSITY OF NORTH CAROLINA FOR THE PURPOSE OF REFUNDING THE OUTSTANDING ATHLETIC STADIUM REVENUE BONDS AND PAYMENT OF THE OUTSTANDING INDEBTEDNESS OF THE ATHLETIC DEPARTMENT.

*The General Assembly of North Carolina do enact:*

SECTION 1. For the purpose of refunding the outstanding Athletic Stadium Bonds issued by the North Carolina State College of Agriculture and Engineering of the University of North Carolina under authority of Chapter two hundred and ninety-one of the Public Laws of one thousand nine hundred and thirty-three and by authority of a resolution adopted by the Board of Trustees of the University of North Carolina on July tenth, one thousand nine hundred and thirty-three; the outstanding Athletic Stadium Bonds issued as aforesaid under authority of said laws and a resolution of the Board of Trustees of the University of North Carolina on June fifth, one thousand nine hundred and thirty-four; and the outstanding six per cent (6%) Athletic Stadium Bonds issued as aforesaid under authority of Chapter sixty-two of the Public Laws of one thousand nine hundred and thirty-five and of a resolution of the said board of trustees adopted on June eleventh, one thousand nine hundred and thirty-five, and for the further purpose of providing funds for the liquidation of the outstanding indebtedness, not exceeding twelve thousand and five hundred dollars (\$12,500.00), of the athletic department of North Carolina State College of Agriculture and Engineering of the University of North Carolina, the Board of Trustees of the University of North Carolina is authorized and empowered to issue sixty thousand dollars (\$60,000.00) of North Carolina State College of Agriculture and Engineering of the University of North Carolina Refunding Stadium Bonds and to pledge athletic game receipts and student athletic fees for the payment of the principal and interest of said bonds.

Purpose of Act.

Issuance of N. C. State College Refunding Stadium Bonds, authorized.

Pledge of game receipts, etc.

Interest rate,  
maturity dates,  
etc.

SEC. 2. The Board of Trustees of the University of North Carolina is authorized to fix the rate of interest the bonds shall bear and to specify the amount of said bonds which shall mature each year, beginning not later than the third year and ending not later than the twenty-fifth year, and to fix the day and month of such payments.

Issuance of bonds  
necessary for  
refunding bonds  
and liquidating  
debt of athletic  
department.

SEC. 3. That the Board of Trustees of the University of North Carolina is authorized to issue such part of said bonds as may be necessary to refund such of the said outstanding bonds as may be surrendered for the purpose of being refunded and for the purpose of liquidating the said outstanding indebtedness, not exceeding twelve thousand and five hundred dollars (\$12,500.00), of the athletic department of the North Carolina State College of Agriculture and Engineering of the University of North Carolina.

Neither principal  
nor interest pay-  
able from general  
revenue of  
College or State.

SEC. 4. No part of the payment of principal or interest of the bonds authorized under this Act shall be paid out of the general revenue of the North Carolina State College of Agriculture and Engineering of the University of North Carolina or of the State of North Carolina, nor shall the credit of the State of North Carolina be pledged directly or indirectly to the payment of said principal or interest charges.

State credit  
not pledged.

Prior claim  
on game receipts  
for payment of  
bonds.

SEC. 5. The principal and interest specified upon this series of bonds shall have a prior claim upon athletic game receipts and students athletic fees, and the principal and interest payments upon the Athletic Stadium Bonds authorized by the one thousand nine hundred and thirty-nine General Assembly, if and when issued, shall have a secondary claim.

Conflicting laws  
repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

## H. B. 706

## CHAPTER 170

AN ACT TO AUTHORIZE THE ISSUANCE OF BONDS OR NOTES FOR THE STATE, WHEN APPROVED BY THE GOVERNOR AND COUNCIL OF STATE, FOR THE PROTECTION OF THE STATE'S INTEREST IN THE ATLANTIC AND NORTH CAROLINA RAILROAD.

Preamble:  
State principal  
stockholder of  
A. & N. C. R. R.  
Company.

WHEREAS, the State of North Carolina is now the holder of approximately seventy-two per cent (72%) of the outstanding capital stock of the Atlantic and North Carolina Railroad Company; and

WHEREAS, the State of North Carolina is concerned in the successful operation of the said railroad by reason of its stock ownership, as well as its interest in having said railroad serve the section of the State through which it operates, and develop the Port of Morehead City; and

Interest of State in successful operation of railroad.

WHEREAS, the Atlantic and North Carolina Railroad, upon recommendation of the Governor, has leased its properties to the Atlantic and East Carolina Railway Company for operation, effective from and after the first day of September, one thousand nine hundred and thirty-nine, the lease of said railroad properties providing that the lessee should be required to pay a minimum rent of sixty thousand and five hundred dollars (\$60,500.00), and in addition thereto, amounts based upon a graduated scale of gross income; and

Operating lease of railroad to A. & E. C. Railway Company.

Lease provision.

WHEREAS, said lease further provided and required that the lessee should maintain the railroad properties in as good repair and condition as when received, and should install annually at least forty thousand (40,000) new cross-ties; and

Further provisions of lease.

WHEREAS, the lessee up until the present time has substantially complied with the terms of the lease; and

Substantial compliance with lease.

WHEREAS, it is now anticipated that by reason of developments at the Port of Morehead City, there may be made available to said railroad large movements of freight which will overtax the capacity of the same in the present condition of its roadbed and track, and if said development should occur it would become necessary that there should be an investment of an amount not exceeding two hundred thousand dollars (\$200,000.00) in the roadbed and track of said properties; and

Probability of large freight movements, overtaxing present capacity

Investment in roadbed, etc., necessary.

WHEREAS, the Atlantic and East Carolina Railway Company is unable to borrow the funds necessary to advance the maintenance of said properties to meet such requirements, without the subordination of the outstanding bonds amounting to three hundred and one thousand dollars (\$301,000.00) held against the properties of the Atlantic and North Carolina Railroad, which bonds are due on July first, one thousand nine hundred and forty-two; and

A. & E. C. Railway Company unable to borrow funds without subordinating outstanding bonds.

WHEREAS, it is now contemplated that the holders of said bonds may be willing to agree to refund the same or postpone the time of payment, at a reduced interest rate, in the event that the proposed developments at the Port of Morehead City materialize and the track and roadbed aforesaid can be put in condition to handle the increased business thereon; and

Willingness of bondholders to refund bonds or postpone payment, contemplated.

WHEREAS, it may become necessary and desirable for the State of North Carolina to lend to the Atlantic and North Carolina Railroad Company a sum not exceeding two hundred thousand dollars (\$200,000.00) for the purposes aforesaid, said loan,

Desirability of State loan to Railroad Company, foreseen.

if made, to be paid back to the State by the said railroad and from additional payments made by the operating railroad, the Atlantic and East Carolina Railway Company, by reason of the advances made for said purpose: Now, therefore,

*The General Assembly of North Carolina do enact:*

Limited loan by State to A. & N. C. Railroad Company, authorized.

Interest rate, etc.

Appropriation of \$200,000 for purpose.

Issuance of bonds authorized.

Interest rate, etc.

Custody of proceeds.

Full faith, credit and taxing power of State pledged.

Tax exemption.

Legal investments for fiduciaries, etc.

Coupons receivable in payment of State obligations.

Interest rates, maturity dates, etc.

Interest coupons.

SECTION 1. That the Governor, by and with the advice of the Council of State, is hereby authorized and empowered to make a loan in a sum not exceeding two hundred thousand dollars (\$200,000.00) to the Atlantic and North Carolina Railroad Company, payable at such rate of interest and on such terms and maturities as may be decided by the Governor, by and with the advice of the Council of State, to be used for the purpose recited in the preamble to this Act.

SEC. 2. That in order to provide the funds to be loaned as aforesaid, there is hereby appropriated a sum not exceeding two hundred thousand dollars (\$200,000.00) out of the General Fund of the State. In order to provide the said funds, the bonds of the State in a sum not exceeding two hundred thousand dollars (\$200,000.00) may be issued in such denomination, form, maturities, and shall bear such interest rate and carry such provisions for the retirement thereof as may be determined by the Governor and Council of State. Upon the sale of said bonds, the proceeds of such sale shall be deposited with the Treasurer of the State of North Carolina for the purposes aforesaid.

SEC. 3. That the full faith, credit and taxing power of the State are hereby pledged for the payment of the principal and interest of the bonds and notes herein authorized. All of said bonds and coupons shall be exempt from all State, county and municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, and the interest on said bonds shall not be subject to taxation as for income, nor shall said bonds or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company, or other corporation. It shall be lawful for all executors, administrators, guardians and fiduciaries generally, and all sinking fund commissioners, to invest any monies in their hands in said bonds. The coupons of said bonds after maturity shall be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the State of any kind whatsoever.

SEC. 4. The bonds herein authorized to be issued, subject to the provisions of this Act, shall bear such date or dates and such rate or rates of interest, not exceeding four per centum (4%) per annum, payable semiannually, and shall mature at such time or times, not exceeding thirty years from their date, or respective dates, as may be fixed by the Governor and Council of State. Said bonds shall carry interest coupons which shall bear the signature of the State Treasurer, or a facsimile there-



of, and said bonds shall be subject to registration and be signed and sealed as is now or may hereafter be provided by law for State bonds. Subject to determination by the Governor and Council of State as to the manner in which said bonds shall be offered for sale, the State Treasurer is authorized to sell said bonds at one time or from time to time at the best price obtainable, but in no case for less than par and accrued interest.

Registration;  
execution.

Sale.

SEC. 5. The Governor and Council of State in lieu of the issuance of the bonds as herein authorized are hereby authorized and empowered to issue and sell notes of the State, payable at such time or times and bear such rate of interest as the Governor and Council of State may determine, and use the proceeds of the sale thereof for the purposes declared in this Act. The said notes to be in such form and denomination as shall be determined by the Governor and Council of State.

Issuance of  
notes in lieu of  
bonds.

Form,  
denomination.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. 718

## CHAPTER 171

### AN ACT RELATING TO FEES OF WITNESSES IN CERTAIN CRIMINAL CASES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Consolidated Statutes three thousand eight hundred and ninety-three, Volume three, one thousand nine hundred and twenty-four, as amended by Chapter forty of the Public Laws of one thousand nine hundred and thirty-three, be, and the same is hereby further amended by striking out the period following the word "arrest" in the last line thereof, substituting a colon therefor, and adding the following:

C.S. 3893,  
amended.

"Provided, that in all criminal cases tried in the State where the crime charged is of the grade of a felony, all witnesses who have been held in jail incommunicado pending the trial of such case shall be paid witness fees for each such day which such witness is so held in jail, in addition to the witness fees provided by law in criminal actions."

Fees of witnesses  
held in jail  
incommunicado  
pending trial  
of felony.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.



H. B. 738

## CHAPTER 172

AN ACT TO AMEND CHAPTER SIX HUNDRED AND FIFTY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, AS AMENDED, THE SAME BEING ENTITLED "AN ACT TO ESTABLISH A MUNICIPAL COURT FOR THE CITY OF GREENSBORO AND PRESCRIBE THE JURISDICTION THEREOF."

*The General Assembly of North Carolina do enact:*

Sec. 2, Ch. 651,  
Public Laws,  
1909, amended,  
as to Greensboro  
Municipal Court.

SECTION 1. That Chapter six hundred and fifty-one of the Public Laws of one thousand nine hundred and nine, as amended by Public Laws, Public-Local Laws and Private Laws be, and the same is hereby further amended as follows: That Section two of Chapter six hundred and fifty-one, Public Laws of one thousand nine hundred and nine, as amended, be and the same is hereby repealed and a new Section two is hereby substituted and enacted in lieu thereof:

Court of record  
with criminal  
and civil  
divisions; etc.  
Attorney as  
judge.

"SEC. 2. Said court shall be a court of record and shall be divided into a criminal division and a civil division, each division thereof to be presided over by a judge who shall be a licensed attorney at law, all as hereinafter provided."

Sec. 5, amended.

That Section five of Chapter six hundred and fifty-one, Public Laws of one thousand nine hundred and nine, as amended, be and the same is hereby repealed and a new Section five is hereby substituted and enacted in lieu thereof: Provided, however, that Section five and one-half of Chapter six hundred and fifty-one, Public Laws of one thousand nine hundred and nine, as amended, shall remain in full force and effect.

Sec. 5½,  
continued  
in force.

Criminal  
jurisdiction.

"SEC. 5. The Greensboro Municipal-County Court shall have the following jurisdiction in criminal cases within the corporate limits of the City of Greensboro and within the one mile area around the City of Greensboro: Original, exclusive and final jurisdiction of all violations of ordinances of the City of Greensboro; original and concurrent jurisdiction, as the case may be, of all offenses within said territory which are now or may hereafter be given to justices of the peace under the constitution and general laws of the State; and in addition thereto shall have exclusive original and final jurisdiction of all other criminal offenses committed within said territory below the grade of felony as defined by law and the same are hereby declared to be petty misdemeanors."

Conflicting laws  
repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. 751

## CHAPTER 173

AN ACT TO AMEND SECTION ONE THOUSAND TWO HUNDRED AND SEVENTY-SIX OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND NINETEEN AS AMENDED, RELATING TO THE SALE OF WITNESS TICKETS, BY REMOVING HAYWOOD COUNTY FROM ITS PROVISIONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one thousand two hundred and seventy-six of the Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen as amended, be amended by striking out the word "Haywood" in Subsection six thereof.

C.S. 1276, amended, exempting Haywood County from law relating to sale of witness tickets.

SEC. 2. It is the purpose of this Act that the provisions of Section one thousand two hundred and seventy-six of the Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen shall not apply to Haywood County.

Purpose of Act clarified.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. 784

## CHAPTER 174

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE AS SAID ACT RELATES TO THE CITY OF HIGH POINT.

*The General Assembly of North Carolina do enact:*

SECTION. 1. That the City of High Point may institute tax or special assessment foreclosure suits under Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine either in the Superior Court of Guilford County or in the Municipal Court of the City of High Point.

Institution of tax, or special assessment, foreclosure suits by City of High Point.

SEC. 2. That when tax and special assessment foreclosure suits are instituted under Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine in the Municipal Court of the City of High Point the words "Superior Court" and the words "Clerk of the Superior Court" shall be deemed and treated as "Municipal Court of the City

Construction of terms used in Ch. 310, Public Laws, 1939.

Validation of  
certain suits.

of High Point" and "Clerk of Municipal Court of the City of High Point" respectively; and that the institution of all tax and special assessment foreclosure suits in the High Point Municipal Court is hereby validated.

Sec. 1719, sub-sec.  
(v), Ch. 310,  
Public Laws,  
1939, amended,  
as to sale of  
property deeded  
to city in lieu  
of taxes.

SEC. 3. That Subsection (v) of Section one thousand seven hundred and nineteen of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, as the same relates to the City of High Point, be and the same hereby is amended by inserting after the word "sale" in the second line of said subsection and before the word "by" in the second line of said subsection the following: "or property obtained by deed from the owner or owners in lieu of taxes and/or special assessments against same."

Conflicting laws  
repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. 803

## CHAPTER 175

AN ACT TO AMEND SECTION TWO THOUSAND THREE HUNDRED AND FIFTEEN OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN RELATING TO THE DRAWING OF JURORS IN CABARRUS COUNTY.

*The General Assembly of North Carolina do enact:*

C.S. 2315,  
amended, as  
to drawing  
jury panel,  
Cabarrus County.

SECTION 1. That Section two thousand three hundred and fifteen of the Consolidated Statutes of one thousand nine hundred and nineteen as amended be further amended by adding the following paragraph at the end of said section:

"In Cabarrus County the Board of County Commissioners shall annually draw forty-two jurors for the first week of the January term of Superior Court of each year and twenty-four jurors for each and every other week of Superior Court during the year."

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. 850

## CHAPTER 176

AN ACT TO AMEND CONSOLIDATED STATUTES SIXTY-FIVE (a), VOLUME THREE, ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR, AS AMENDED, SO AS TO INCLUDE POLK COUNTY UNDER THE PROVISIONS THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Consolidated Statutes sixty-five (a), Volume three, one thousand nine hundred and twenty-four, as amended, be, and the same is hereby, amended by adding a new sentence at the end thereof to read as follows:

C.S. 65 (a), amended, to include Polk County under law permitting payment to C.S.C. of limited sums due intestates.

"This section shall also apply to Polk County."

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 13th day of March, 1941.

S. B. 83

## CHAPTER 177

AN ACT TO AMEND SECTION ONE HUNDRED AND NINETY-EIGHT OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN PROHIBITING CERTAIN PUBLIC OFFICERS FROM PRACTICING LAW.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one hundred and ninety-eight of the Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen as amended be amended by adding at the end thereof the following:

C.S. 198, amended, as to prohibition against practice of law by certain public officers.

"The phrase 'practice law' as used herein is defined to be performing any legal service for any other person, firm or corporation, with or without compensation, specifically including the preparation of deeds, mortgages, wills, trust instruments, reports of guardians, trustees, administrators, or executors, abstracting or passing upon titles, the preparation and filing of petitions for use in any court, or assisting by advice, counsel, or otherwise in any such legal work; and to advise or give opinion upon the legal rights of any person, firm or corporation. Provided that the above reference to particular acts which are specifically included within the definition of the phrase 'practice law' shall not be construed to limit the foregoing general defini-

Definition of terms: "practice law."

tion of such term, but shall be construed to include the foregoing particular acts, as well as all other acts within said general definition."

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

## S. B. 124

## CHAPTER 178

AN ACT TO AMEND SECTIONS FOUR THOUSAND TWO HUNDRED AND FIFTY-ONE AND FOUR THOUSAND TWO HUNDRED AND FIFTY-TWO OF VOLUME ONE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN RELATING TO LARCENY AND RECEIVING STOLEN GOODS.

*The General Assembly of North Carolina do enact:*

C.S. 4251,  
amended.

Larceny or  
receiving stolen  
goods, not over  
\$50 value, made  
misdemeanor.

SECTION 1. That Section four thousand two hundred and fifty-one of Volume one of the Consolidated Statutes of one thousand nine hundred and nineteen be, and the same is hereby, amended by striking out the word "twenty" between the word "than" and the word "dollars," in line two, and inserting in lieu thereof the word "fifty."

C.S. 4252,  
amended, as to  
jurisdiction of  
Superior Courts  
in cases of  
Larceny and  
Receiving.

SEC. 2. That Section four thousand two hundred and fifty-two of Volume one of the Consolidated Statutes of one thousand nine hundred and nineteen be, and the same is hereby, amended by striking out the word "twenty" between the word "than" and the word "dollars," in line three, and inserting in lieu thereof the word "fifty."

Conflicting laws  
repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.



S. B. 140

## CHAPTER 179

AN ACT TO AUTHORIZE THE INCARCERATION OF PERSONS PENDING THE DETERMINATION OF THEIR INSANITY, WHEN IT SHALL APPEAR BY AFFIDAVIT OR OTHERWISE THAT SUCH PERSON'S CONDITION ENDANGERS EITHER HIMSELF OR OTHERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred and three of the Consolidated Statutes of one thousand nine hundred and nineteen be amended by adding a new section thereto to be numbered Section six thousand one hundred and ninety-one (a) and to read as follows:

Ch. 103, C. S.,  
amended.

"6191(a). If the affidavit, required to be filed by Section 6190, states that such insane person's condition is such as to endanger either himself or others, or if the sheriff, or other person serving the warrant, believes that said insane person's condition is such as to endanger either himself or others, the clerk shall order such insane person to be incarcerated in the county jail until such person is judicially declared insane or sane."

Incarceration of  
persons believed  
insane, pending  
judicial de-  
termination.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

S. B. 181

## CHAPTER 180

AN ACT TO PROHIBIT THE SALE OF TICKETS TO ATHLETIC CONTESTS AT A PRICE IN EXCESS OF THE PRICE WRITTEN OR PRINTED ON SUCH TICKETS.

*The General Assembly of North Carolina do enact:*

SECTION 1. It shall be unlawful for any person, firm or corporation to sell or offer for sale any ticket of admission to any baseball, basketball, football game or other athletic contest of any kind in excess of the sale price written or printed on such ticket or tickets.

Sale of athletic  
contest tickets  
in excess of  
printed price,  
prohibited.

SEC. 2. Any person, firm or corporation violating any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.

Violation made  
misdemeanor.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

## S. B. 161

## CHAPTER 181

## AN ACT TO PROTECT DOGS FROM STRYCHNINE, OTHER POISONOUS COMPOUNDS AND GROUND GLASS.

*The General Assembly of North Carolina do enact:*

Putting poisonous foodstuffs, etc., in certain public places, prohibited.

Civil and criminal liability for violations.

SECTION 1. It shall be unlawful for any person, firm or corporation to put or place any strychnine, other poisonous compounds or ground glass on any beef or other foodstuffs of any kind in any public square, street, lane, alley or on any lot in any village, town or city or on any public road, open field or yard in the country. Any person, firm or corporation who violates the provisions of this Act shall be liable in damages to the person injured thereby and also shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court.

Act not applicable to poisoning of insects, etc.

SEC. 2. This Act shall not apply to the poisoning of insects or worms for the purpose of protecting crops or gardens by spraying plants, crops or trees, nor to poisons used in rat extermination.

Conflicting laws repealed.

SEC. 3. Any law or clauses of law in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

## S. B. 195

## CHAPTER 182

## AN ACT TO PROVIDE FOR STATE COOPERATION WITH THE ROANOKE ISLAND HISTORICAL ASSOCIATION, INCORPORATED.

Preamble: Roanoke Island, site of first English colonies, etc.

WHEREAS, Roanoke Island is the site of the first English colonies in the new world, the birthplace of the first child of English parents in America, and the scene of the first religious sacrament by English speaking people in the new world; and

Success of drama, "The Lost Colony," in advertising State.

WHEREAS, The Roanoke Island Historical Association, a non-profit organization incorporated under the laws of North Carolina, has produced every summer, beginning in one thousand nine hundred and thirty-seven, Paul Green's THE LOST COL-

ONY, an historical drama which has brought tens of thousands of visitors to the State and has advertised North Carolina history to the nation and to the world as never before; and

WHEREAS, the State has committed itself to a policy of advertising its advantages, attractions, and resources to the other states of the Union; and

State advertising policy.

WHEREAS, this drama and the events it commemorates are of State-wide, and not merely of local, significance; and

State-wide significance of drama.

WHEREAS, in the present national and world crisis, and afterward, the continued presentation of THE LOST COLONY will effectively serve to create and preserve among the people of the State a justifiable pride in their history and thereby arouse their patriotism: Now, therefore,

Continuance of presentation of "The Lost Colony."

*The General Assembly of North Carolina do enact:*

SECTION 1. There is hereby appropriated out of the Contingency and Emergency Fund a sum not to exceed ten thousand dollars (\$10,000.00) for each fiscal year of the one thousand nine hundred and forty-one - one thousand nine hundred and forty-three biennium, to be made available only upon action of the Governor and the Council of State upon evidence submitted by the aforesaid Roanoke Island Historical Association, that during the immediately preceding season, because of inclement weather or other factors beyond human control, THE LOST COLONY has operated at a deficit. Provided that any and all funds which may be paid to said association as herein provided shall be repaid to the Contingency and Emergency Fund of the State by the association from admission receipts derived from the succeeding season's showing. The purpose and intent of this Act is solely to serve as a year-to-year guarantee of the continued presentation of this historical and patriotic drama. All funds expended under the provisions of this Act shall be disbursed under the terms of the Executive Budget Act.

Appropriation for possible deficits in production of "The Lost Colony" due to bad weather, etc.

Refunds to State from succeeding season's receipts.

Purpose of Act clarified.

Application of Executive Budget Act.

SEC. 2. All the books and records of the Roanoke Island Historical Association shall be subject to audit by the State Auditor in the same way and manner and at the same times as the State Auditor is required to audit the records of all State agencies, institutions, commissions, departments and bureaus. In arriving at the deficit, any salary which may be paid to any officer of the Roanoke Island Historical Association shall not be taken into account.

Audit of records of Roanoke Island Historical Association.

Salaries to Association officers not counted in deficit.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

S. B. 210

CHAPTER 183

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE TO ENLARGE THE DEFINITION OF NEIGHBORHOOD PUBLIC ROADS WHICH THE HIGHWAY AND PUBLIC WORKS COMMISSION IS PERMITTED TO IMPROVE OR REPAIR.

*The General Assembly of North Carolina do enact:*

Ch. 302, Public  
Laws, 1933,  
amended.

SECTION 1. That Section one of Chapter three hundred and two of the Public Laws of one thousand nine hundred and thirty-three be amended by rewriting all of said section beginning with the sixth line so that the same shall read as follows:

Neighborhood  
public roads  
defined.

"That all those portions of the public road system of the State which have not been taken over and placed under maintenance or which have been abandoned by the State Highway Commission, but which remain open and in general use by the public, and all those roads that have been laid out, constructed, or reconstructed with unemployment relief funds under the supervision of the Department of Public Welfare, and all other roads or streets or portions of roads or streets whatsoever outside of the boundaries of any incorporated city or town in the State which serve a public use regardless of whether the same have ever been a portion of any state or county road systems, are hereby declared to be neighborhood public roads, and they shall be subject to all of the provisions of this Act with respect to the alteration, extension, or discontinuance thereof, and any interested citizen is authorized to institute such proceeding, and in lieu of personal service with respect to this class of roads, notice by publication once a week in any newspaper published in said county, or in the event there is no such newspaper, by posting at the courthouse door and three other public places, shall be deemed sufficient: Provided, that this definition of neighborhood public roads shall not be construed to embrace any street, road or driveway that serves an essentially private use. Upon request of the Board of County Commissioners of any county, the State Highway Commission is permitted, but is not required, to place such roads in a passable condition without incorporating the same into the State or County Systems, and without becoming obligated in any manner for the permanent maintenance thereof."

Proceeding to  
alter, extend or  
discontinue  
such roads.

Streets, etc., not  
included in  
definition.

Assistance by  
State Highway  
Commission.

Conflicting laws  
repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act, to the extent of such conflict, are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

S. B. 223

## CHAPTER 184

AN ACT RELATING TO THE RESTORATION OF RIGHTS  
OF CITIZENSHIP IN INVOLUNTARY MANSLAUGHTER  
CASES.*The General Assembly of North Carolina do enact:*

SECTION 1. Any person who has been convicted of, or confessed guilt to, the crime of involuntary manslaughter and is not actually serving a term in the State Prison or on the roads of the State may, at any subsequent term of the Superior Court of the county in which the conviction was had, or the confession of guilt made, make application and petition the court for a restoration of all forfeited rights of citizenship.

Petition for  
restoration of  
citizenship by  
persons  
convicted, etc.,  
of involuntary  
manslaughter.

SEC. 2. That the petition provided for in Section one of this Act shall set out the nature of the crime committed, the time of conviction or confession of guilt, the judgment of the court, and shall recite that the costs of suit have been paid, and that applicant has never before had restored to him lost rights of citizenship, which petition shall be verified by the oath of the applicant, and accompanied by the affidavits of ten reputable citizens of the county in which said conviction or confession of guilt took place, who shall state that they are well acquainted with the applicant, and that they are of the opinion that the applicant should have restored to him the lost rights of citizenship. The petition shall be heard by the judge during a term of court, and if he is satisfied as to the truth of the matters set out in the petition and the affidavits, he shall have the authority to decree the applicant's restoration to the lost rights of citizenship and the clerk shall spread the decree upon his minute dockets.

Contents of  
petition.

Verification.

Supporting  
affidavits.

Hearing.

Decree of  
restoration.

SEC. 3. That all laws and clauses of laws in conflict are hereby repealed.

Conflicting laws  
repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.



## S. B. 230

## CHAPTER 185

AN ACT TO AMEND SECTION SEVEN THOUSAND AND SIXTY-FOUR OF VOLUME TWO OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, RELATING TO THE ORGANIZATION OF COUNTY BOARDS OF HEALTH AND PROVIDING COMPENSATION FOR THE MEMBERS OF SUCH BOARDS.

*The General Assembly of North Carolina do enact:*

C. S. 7064,  
amended, as  
to compensation  
of members of  
County Boards  
of Health.

SECTION 1. That Section seven thousand and sixty-four of Volume two of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be, and the same is hereby, further amended by striking out the period at the end of said Section and inserting in lieu thereof a comma, and by adding the following: "and while on duty the county may at its discretion pay them four (\$4.00) dollars per diem, unless such board members are full time employees of the county or municipality located therein, in which event they shall receive no per diem compensation as member of the county board of health."

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

## S. B. 231

## CHAPTER 186

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATIVE TO THE STATE COMMISSION FOR THE BLIND.

*The General Assembly of North Carolina do enact:*

Ch. 124, Public  
Laws, 1939,  
amended.

SECTION 1. That Section five of Chapter one hundred and twenty-four of the Public Laws of one thousand nine hundred and thirty-nine be, and the same is hereby, amended by adding a new paragraph at the end of said section to read as follows:

Certain use of  
records, etc., of  
State Blind  
Commission,  
prohibited.

"It shall be unlawful, except for purposes directly connected with the administration of aid to the needy blind and in accordance with the rules and regulations of the State Commission for the Blind, for any person or persons to solicit, disclose, receive, make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of, any list of or name of, or any information concerning, persons applying for or receiving aid

to the needy blind, directly or indirectly derived from the records, papers, files, or communications of the State Commission for the Blind or the board of county commissioners or the county welfare department, or acquired in the course of the performance of official duties."

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

S. B. 178

### CHAPTER 187

AN ACT TO AMEND SECTION THREE THOUSAND THREE HUNDRED AND THIRTY-TWO OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA TO VALIDATE THE REGISTRATION OF CERTAIN DEEDS AND OTHER INSTRUMENTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three thousand three hundred and thirty-two of the Consolidated Statutes of North Carolina be, and the same is hereby amended by striking out in line sixteen after the word "registered" the following sentence: "This Section only applies to deeds so acknowledged and registered prior to January first, One Thousand Nine Hundred and Fifteen," and substituting in lieu thereof the following: "This Section only applies to deeds so acknowledged and registered prior to January first, One Thousand Nine Hundred and Forty-one." C. S. 3332, amended, as to validation of registration of certain deeds, etc.

SEC. 2. That this Act shall not effect any pending litigation. Pending litigation not affected.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

## S. B. 214

## CHAPTER 188

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINETEEN TO AUTHORIZE CITIES TO FURNISH FIRE PROTECTION WITHIN TWELVE MILES OF THE CITY LIMITS.

*The General Assembly of North Carolina do enact:*

Ch. 244, Public  
Laws, 1919,  
amended.

SECTION 1. That Chapter two hundred and forty-four of the Public Laws of one thousand nine hundred and nineteen be and the same is hereby amended by adding after the period in the last line of Section four the following:

Municipalities  
authorized to  
furnish fire  
protection within  
twelve miles  
of limits.

“And such governing body is hereby authorized to agree to furnish and to furnish protection against fire of property within an area of not more than twelve miles from the city limits upon such terms as such governing body may determine.”

Conflicting laws  
repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act shall hereby be repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

## S. B. 235

## CHAPTER 189

AN ACT TO AMEND SECTION ONE THOUSAND FOUR HUNDRED AND FORTY-THREE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, RELATING TO THE TERMS OF THE SUPERIOR COURT OF FRANKLIN COUNTY.

*The General Assembly of North Carolina do enact:*

C. S. 1443,  
amended.

SECTION 1. That Section one thousand four hundred and forty-three of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, as it applies to the Seventh Judicial District, be amended by rewriting that portion thereof relating to Franklin County to read as follows:

Terms of  
Superior Court,  
Franklin County.

“Franklin—First Monday after the first Monday in September, to continue for one week for the trial of civil cases only; fifth Monday after the first Monday in September, to continue for one week for the trial of criminal cases only; ninth Monday after the first Monday in September, to continue for two weeks for the trial of civil cases only; seventh Monday before the first Monday in March, to continue for one week for the trial of civil cases only; fourth Monday before

the first Monday in March, to continue for one week for the trial of criminal cases only; second Monday after the first Monday in March, to continue for one week for the trial of civil cases only; fifth Monday after the first Monday in March, to continue for one week for the trial of criminal cases only; seventh Monday after the first Monday in March, to continue for one week for the trial of civil cases only.

“The courts provided in the above paragraph shall be held by the judge regularly riding the seventh judicial district. Courts to be held by regular judge.

“At all criminal terms provided for in the second preceding paragraph, all motions and divorce cases may be heard, and, by consent, jury trials in all civil cases may be heard at said criminal terms.” Hearing of civil matters at criminal terms.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after June first, one thousand nine hundred and forty-one. Effective date.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

S. B. 246

## CHAPTER 190

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-NINE, PUBLIC LAWS ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN ENTITLED AN ACT SUPPLEMENTAL TO AND AMENDING CHAPTER FOUR HUNDRED AND TWENTY-TWO, PUBLIC LAWS ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE AND TO PROVIDE FREE BASAL TEXTBOOKS TO THE ELEMENTARY SCHOOL CHILDREN OF THE STATE AND TO CONTINUE THE RENTAL SYSTEM FOR HIGH SCHOOL BOOKS AND SUPPLEMENTARY READERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four of Chapter one hundred and sixty-nine, Public Laws of one thousand nine hundred and thirty-seven be amended by adding at the end of said section the following, to-wit: In the event any superintendent shall fail to comply with the provisions of this section it shall be the duty of the State School Commission and the State Superintendent of Public Instruction to withhold salary checks of said superintendent and the State Treasurer shall not pay same until the duties imposed hereby have been performed, and it shall be the duty of the Secretary of the State Textbook Commission to notify the State School Commission, the State Superintendent of Public Instruction, and the State Treasurer in the event

Ch. 169, Public Laws, 1937, amended.

Salary of superintendent of local school unit withheld upon failure of duties under Free Textbook Act.

any superintendent shall fail to comply with the provisions of this section, and no payments shall be made until notice has been received from the Secretary of the State Textbook Commission that the provisions of this section have been complied with.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

## S. B. 277

## CHAPTER 191

AN ACT TO AMEND THE LOCAL GOVERNMENT ACT, BEING CHAPTER SIXTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, AS AMENDED.

*The General Assembly of North Carolina do enact:*

Ch. 60, Public Laws, 1931, amended.

SECTION 1. That the Local Government Act, being Chapter sixty of the Public Laws of one thousand nine hundred and thirty-one, as amended, be and the same is hereby amended by striking out all of Section seventy-four and substituting in lieu thereof the following:

Application of Local Government Act to all local units having taxing power.

"SEC. 74. The provisions of this Act shall apply to every unit having the power to levy taxes ad valorem, regardless of any provisions to the contrary in any special or local Act enacted before the adjournment of the Regular Session of the General Assembly in one thousand nine hundred and forty-one."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.



S. B. 319

## CHAPTER 192

AN ACT TO MAKE THE TERM OF OFFICE OF REGISTER  
OF DEEDS OF TRANSYLVANIA COUNTY FOUR  
YEARS.*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred and sixty-two, Public Laws of North Carolina, Session one thousand nine hundred and thirty-five, be amended so as to apply to Transylvania County by striking out the word "Transylvania" in line eleven, Section one, of said Act.

Ch. 362, Public Laws, 1935, amended, as to term of Register of Deeds, Transylvania County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

S. B. 332

## CHAPTER 193

AN ACT TO AMEND SENATE BILL NUMBER EIGHTY-  
EIGHT, RATIFIED ON THE SEVENTH DAY OF FEBRU-  
ARY, ONE THOUSAND NINE HUNDRED AND FORTY-  
ONE, RELATIVE TO THE COUNTY BOARD OF HEALTH  
OF NASH COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Senate Bill Number eighty-eight, ratified on the seventh day of February, one thousand nine hundred and forty-one, be, and the same is hereby, amended by striking out the period following the word "Nash" at the end thereof, substituting a colon therefor, and adding the following:

S. B. 88 (Ch. 6, Public Laws, 1941), amended, as to appointment of Nash County health officer.

"Provided, further, that if the Board of County Commissioners shall disapprove of the appointment of such health officer, the person so appointed shall become ineligible for such appointment, and the County Board of Health shall, within thirty days thereafter, appoint some other person for such position; and, should the Board of County Commissioners fail to approve this other person so appointed, the secretary of the State Board of Health shall appoint a registered physician of good standing in said county to said office for the remainder of the term."

Second appointment, upon disapproval of first appointee by Commissioners.

Appointment by State Board upon disapproval of second appointee.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

## H. B. 89

## CHAPTER 194

AN ACT TO APPROPRIATE FUNDS FOR THE PAYMENT OF A JUDGMENT IN THE CASE OF BIG TOM WILSON MOUNT MITCHELL MOTOR ROAD COMPANY, INCORPORATED, VERSUS STATE OF NORTH CAROLINA DEPARTMENT OF CONSERVATION AND DEVELOPMENT.

Preamble:  
Right of operating toll roads, etc., upon State Park lands extinguished.

WHEREAS, the General Assembly of North Carolina at its session of one thousand nine hundred and thirty-nine enacted Chapter one hundred and twenty-seven of the Public Laws of one thousand nine hundred and thirty-nine, providing for the extinguishment of the right or privilege to privately operate any toll road or toll bridge in this State upon lands belonging to the State, set apart or designated as a public park; and

Discontinuance of operation of road through Mt. Mitchell State Park ordered.

WHEREAS, it was necessary under the provisions of said Act for the State Department of Conservation and Development of the State of North Carolina to notify Big Tom Wilson Mount Mitchell Motor Road Company, Incorporated, to discontinue the operation through the Mount Mitchell State Park; and

Recovery of judgment against State Department of Conservation and Development.

WHEREAS, under the provisions of said Act, Big Tom Wilson Mount Mitchell Motor Road Company, Incorporated, instituted suit against the State of North Carolina Department of Conservation and Development and recovered judgment in the sum of eight thousand dollars (\$8,000.00), together with costs amounting to sixty-four dollars and fifteen cents (\$64.15); and

Propriety of paying judgment.

WHEREAS, it is necessary and proper that said amount represented by said judgment be paid to the petitioner in said action: Now, therefore,

*The General Assembly of North Carolina do enact:*

Appropriation for paying judgment in favor of Big Tom Wilson Mount Mitchell Motor Road Co.

SECTION 1. That in addition to all other appropriations which are or hereafter may be made to the Department of Conservation and Development, there is hereby appropriated to the Department of Conservation and Development out of the highway fund of this State the sum of eight thousand sixty-four dollars and fifteen cents (\$8,064.15), to be used by said department in paying off and discharging the judgment in favor of Big Tom Wilson Mount Mitchell Motor Road Company, Incorporated.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

H. B. 186

## CHAPTER 195

### AN ACT TO AMEND SECTION ONE THOUSAND ONE HUNDRED AND EIGHTY-TWO OF THE CONSOLIDATED STATUTES WITH REFERENCE TO THE VOLUNTARY DISSOLUTION OF CORPORATIONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Consolidated Statutes, Section one thousand one hundred and eighty-two be, and the same is hereby amended by striking out the last sentence in said Section, which reads as follows:

C. S. 1182, amended, as to voluntary dissolution of corporations.

“Whenever all the stockholders consent in writing to a dissolution, no meeting or notice thereof is necessary, but on filing the consent in the office of the Secretary of State he shall forthwith issue a certificate of dissolution, which shall be published as above provided, and recorded in the office of the clerk of the superior court of the county in which the principal office of the corporation is located,” and substituting in lieu thereof the following:

“Whenever all the stockholders consent in writing to a dissolution, no meeting or notice thereof is necessary, but on filing the consent in the office of the Secretary of State, he shall issue a certificate showing that such consent in writing has been filed in his office, and said certificate shall be published as above provided in cases without unanimous consent, and recorded in the office of the clerk of the superior court of the county in which the principal office of the corporation is located. Upon the filing in the office of the Secretary of State of an affidavit of the manager or publisher of the newspaper in which publication is made, showing that said certificate has been so published, the Secretary of State shall forthwith issue a certificate of dissolution of the said corporation.

Consent filed with Secretary of State.

Issuance, publication, and record of preliminary certificate of dissolution.

Issuance of final certificate.

“The Secretary of State shall withhold issuance of final certificate of dissolution of or withdrawal of any corporation, domestic or foreign, until the receipt by him of a notice from the Commissioner of Revenue to the effect that such corporation has met the requirements with respect to reports and taxes required by the Revenue Laws of the State of North Carolina.”

Final certificate withheld until compliance with Revenue Laws.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

H. B. 195

## CHAPTER 196

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SEVEN, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AS TO THE DEFINITION OF CONTRACT HAULER VEHICLES.

*The General Assembly of North Carolina do enact:*

Ch. 407, Public Laws, 1937, amended as to definition of "contract hauler vehicles."

SECTION 1. That Section two, Subsection (r) (1), of Chapter four hundred and seven, Public Laws of one thousand nine hundred and thirty-seven, which reads as follows:

"(1) Contract Hauler Vehicles.

Definition, prior to this Act.

"Motor vehicles used for the transportation of property for hire, but not licensed as franchise hauler vehicles under the provisions of Chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and twenty-seven and amendments thereto: Provided, it shall not be construed to include the transportation of farm crops or products, including wood products cut and delivered from within a radius of twenty-five miles of market, but otherwise not including forest products from farms to the first or primary markets," be, and the same hereby is, amended to read as follows:

"(1) Contract Hauler Vehicles.

New definition of contract hauler vehicles.

"Motor vehicles used for the transportation of property for hire, but not licensed as franchise hauler vehicles under the provisions of Chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and twenty-seven and amendments thereto: Provided, it shall not be construed to include the transportation of farm crops or products, including logs, bark, pulp and tannic acid wood delivered from farms and forests to the first or primary market."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

H. B. 345

## CHAPTER 197

AN ACT TO AMEND SECTION THREE THOUSAND NINE HUNDRED AND THREE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA RELATING TO THE FEES OF THE CLERK OF THE SUPERIOR COURT OF NASH COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three thousand nine hundred and three of the Consolidated Statutes of North Carolina, be, and the same hereby is, amended to read as follows: C. S. 3903,  
amended, as to  
fees of C. S. C.,  
Nash County.

“The fees of the Clerk of the Superior Court shall be the following, and no other, namely: Schedule of  
fees:

Advertising and selling under mortgage in lieu of bond, two dollars for sales of real estate and one dollar for sales of personal property. Selling under  
mortgage.

Affidavit, including jurat and certificate, thirty-five cents. Affidavit.

Appeal from justice of the peace, seventy-five cents.

Appeal from the Clerk to the Judge, seventy-five cents. Appeals.

Appeal to the Supreme Court, including certificate and seal, three dollars.

Appointing and qualifying justices of the peace, to be paid by the justices, fifty cents. Qualifying  
justices.

Attachment, order in, fifty cents. Attachment.

Auditing account of receiver, executor, administrator, guardian or other trustee, required to render accounts, one dollar for each one thousand dollars or fractional part thereof, but such fees shall not exceed ten dollars. Auditing reports  
and accounts.

Auditing final settlement of receiver, executor, administrator, guardian or other trustee, required to render accounts, one half of one per cent of the amount on which commissions are allowed to such fiduciary, for all sums not exceeding one thousand dollars; and for all sums over ten thousand dollars, one tenth of one per cent on such excess; but such fees shall not exceed seventy-five dollars, unless there be a contest, when the Clerk may charge commissions not to exceed one hundred dollars.

Auditing and recording the final account of commissioners appointed to sell real estate, one half of the fees allowed for auditing and recording final accounts of fiduciaries.

Bill of costs, preparing the same, twenty-five cents on each one hundred dollars or fractional part thereof of the total bill of cost. Bill of costs.



Bonds.	Bond or undertaking, including justification, one dollar.
Cancellation of lis pendens.	Canceling notice of lis pendens, twenty-five cents.
Capias.	Capias, each defendant, one dollar.
Caveat.	Caveat to a will, entering and docketing same for trial, two dollars.
Certificate.	Certificate, twenty-five cents.
Commission.	Commission, issuing, one dollar.
Continuance.	Continuance, thirty cents.
Docketing.	Docketing ex parte proceedings, fifty cents. Docketing indictment, fifty cents. Docketing liens, fifty cents. Docketing transcript of judgments, all services, fifty cents. Docketing superior and recorder's court judgments, fifty cents. Docketing summons, fifty cents.
Execution.	Execution and return thereon, including docketing, one dollar; and certifying return to Clerk of any county where judgment is docketed, fifty cents.
Filing.	Filing all papers, twenty-five cents for each case.
Appointment of guardian.	Guardian, appointment of, one dollar and fifty cents.
Impaneling jury.	Impaneling jury, twenty-five cents.
Indexing.	Indexing judgment on cross-index book, ten cents for each of the parties. Indexing liens on lien book, ten cents for each of the parties.
Indictment.	Indictment, each defendant in the bill, sixty cents.
Injunction.	Injunction, order for, including taking bond or undertaking justification, one dollar and fifty cents.
Judgments.	Judgment, final, in term-time, civil action, one dollar. Judgment, final, against each defendant, in criminal action, one dollar. Judgment, final, before the Clerk, one dollar. Judgment by confession, without notice, all services, three dollars. Judgment in favor of widow for year's support, fifty cents. Judgment nisi, entering against a defaulting witness or juror, on bail bond or recognizance, fifty cents.

Justification of sureties on any bond or undertaking, except as otherwise provided, fifty cents.	Justification of sureties.
Letters testamentary, one dollar and fifty cents.	Letters testamentary.
Letters of administration, one dollar and fifty cents.	Letters of administration.
Motions, entry and record of, twenty-five cents.	Motions.
Notice, twenty-five cents, and for each name over one in same paper, ten cents additional.	Notices.
Notifying solicitors of removal of guardian, one dollar.	
Order enlarging time for pleading, and all interlocutory orders, in special proceedings and civil actions, thirty-five cents.	Orders.
Order of arrest, one dollar.	
Order for the registration of a deed or other writing, which has been proved or acknowledged in another county, or before a judge, justice, notary or other officer, except a chattel mortgage, twenty-five cents.	Probate of deeds, etc.
Postage, actual amount necessarily expended.	Postage.
Presentment, each person presented, ten cents.	Presentment.
Probate of a deed or other writing, proved by a witness, including the certificate, twenty-five cents.	Probate of various instruments.
Probate of a deed or other writing, acknowledged by the signers or makers, including all except married women, who acknowledge at the same time, with the certificate thereon, twenty-five cents.	
Probate of a deed, or other writing, executed by a married woman, for her acknowledgment and private examination, with the certificate thereon, fifty cents.	
Probate of limited partnership, fifty cents.	
Probate of will in common form, one dollar.	Probate of will.
Qualifying justice of peace, to be paid by the justice, fifty cents.	Qualifying J. P.
Qualifying members of the Board of Commissioners, to be paid by the Commissioners, twenty-five cents.	Qualifying County Commissioners.
Recognizance, each party where no bond is taken, twenty-five cents.	Recognizance.
Recording and copying papers, eighty cents for the first three hundred words and fifteen cents for each additional hundred words.	Recording.

Recording appointment of process agent for nonresident, fifty cents.

Registering trained nurse.

Registering trained nurse, including certificate of registration, fifty cents.

Recording incorporation and dissolution certificates.

Recording certificates of incorporation of corporations, three dollars.

Recording certificates of dissolution of corporations, one dollar.

Resignations and renunciations.

Resignation of guardian, relinquishment of right to administer, or to qualify as executor, receiving, filing and noting same, twenty-five cents.

Seal.

Seal of office, when necessary, twenty-five cents.

Subpoena.

Subpoena, each name twenty-five cents.

Summons.

Summons in civil actions or special proceedings, including all the names therein, one dollar, and for every copy thereof, twenty-five cents.

Transcripts.

Transcript of judgment, twenty-five cents.

Transcript of any matter of record or papers on file, eighty cents for the first three hundred words and fifteen cents for each additional hundred words.

Commissions on funds deposited with Clerk.

Three per cent commission shall be allowed the clerk on all sums of money not exceeding five hundred dollars placed in his hands by virtue of his office, except on judgments, decrees, executions, and deposits under article three of Chapter fifty-four; and upon the excess of five hundred dollars of such sums, one per cent: Provided, however, when funds are received under any judgment for minors or incompetents and the same are held by the clerk for a period of one year or more and are handled in the same manner as trust funds, the clerk shall receive the same commissions as provided herein: Provided, further, that the clerk shall receive no commission on fines, penalties, amercements and taxes collected by him which belong to the county school fund.

Trials, etc.

Trials of any cause, including hearings on motions, exceptions, or in special proceedings and civil actions, two dollars per hour for the time consumed in the trial."

Application of Act.

SEC. 2. That this Act shall apply to Nash County only.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

H. B. 425

## CHAPTER 198

AN ACT TO AMEND CHAPTER ONE PUBLIC LAWS  
ONE THOUSAND NINE HUNDRED AND THIRTY-SIX,  
EXTRA SESSION, AS AMENDED, KNOWN AS THE  
UNEMPLOYMENT COMPENSATION LAW.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section nineteen subsection (g), paragraph (7) be and the same is hereby amended by adding a new clause to paragraph (7) to be known as (L) as follows:

Sec. 19 (g), Ch. 1,  
Public Laws,  
Extra Session,  
1936, amended.

“Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.”

Exemption of  
service of certain  
minors in  
delivery of  
newspapers, etc.  
from U. C. Law.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. This Act shall be in force and effect from and after the date of ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

H. B. 473

## CHAPTER 199

AN ACT TO AMEND SECTION FOUR THOUSAND SEVEN  
HUNDRED AND FORTY-SIX AND FOUR THOUSAND  
SEVEN HUNDRED AND FORTY-SEVEN CONSOLI-  
DATED STATUTES OF NORTH CAROLINA RELATING  
TO THE SALE OF STOCK AND POULTRY TONICS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four thousand seven hundred and forty-six of Volume two of the Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen be amended to read as follows:

C. S. 4746,  
amended.

“If it appears that any of the provisions of this article have been violated, the Commissioner of Agriculture or his authorized representative is hereby authorized to issue a ‘stop sale’ order which shall prohibit further sale of any product offered in violation of this article until the law has been complied with or said violation has otherwise been legally disposed of. The Commissioner of Agriculture or his authorized representative is further authorized to confiscate and seize any product sold or offered for sale in violation of this article and shall have the authority to sell said product if it can be made to conform to this article or to destroy same if it cannot be made to con-

Issuance of “stop  
sale” orders by  
Commissioner of  
Agriculture as  
to certain stock  
and poultry  
tonics.

Confiscation of  
products.

Sale of products  
made to con-  
form with law.

Notice of sale.

Contents.

Disposition of proceeds.

C. S. 4747, amended.

Prosecution of violations.

Conflicting laws repealed.

form with this article. Such sale shall be made at the courthouse door in the county in which the seizure is made, after 30 days advertisement in some newspaper published in such county, or if no newspaper is published in such county, then by like advertisement in a newspaper published in the nearest county thereto having a newspaper. The advertisement shall state the name of the product, the quantity, why seized and offered for sale. The proceeds from such sale, after deducting the necessary expense of said sale, shall be deposited with the State Treasurer for the use of the Department of Agriculture."

SEC. 2. That Section four thousand seven hundred and forty-seven of Volume two of the Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen be amended to read as follows:

"That if any person, firm or corporation shall violate any provision of this article, it shall be the duty of the Commissioner of Agriculture or his authorized representative to cause proceedings to be commenced and prosecuted in a court of competent jurisdiction in the district where the violation occurred."

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

## H. B. 497

## CHAPTER 200

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIFTY-EIGHT (358), PUBLIC LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND THIRTY-NINE (1939), RELATIVE TO THE DIVISION OF DEBT SERVICE FUNDS BETWEEN COUNTY AND CITY ADMINISTRATIVE UNITS.

*The General Assembly of North Carolina do enact:*

Ch. 358, Public Laws, 1939, amended as to division of school debt service funds between local units.

SECTION 1. That Section fifteen of Chapter three hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine, be and the same is hereby amended by adding at the end thereof the following:

"Provided, further, that the debt service apportionment between county and city administrative units shall apply only to debt service for capital outlay obligations incurred by counties and cities prior to July 1, 1937, except in those counties where special legislation has been enacted providing for the issuance of school building bonds in behalf of school districts, and special bond tax units."



SEC. 2. That the provisions of this Act shall not apply to refunding bonds issued for school capital outlay obligations.

Act not applicable to certain refunding bonds.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

H. B. 538

## CHAPTER 201

### AN ACT TO PROVIDE FOR INSURABLE INTEREST AS BETWEEN STOCKHOLDERS, PARTNERS AND OTHERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Where two or more persons own stock or interests in the same corporation, partnership or business association and have heretofore contracted or hereafter contract with one another for the purchase, at the death of one, by the survivor or survivors of the stock, share or interest of the deceased, the person or persons making the contract of purchase shall be deemed to have, and are hereby declared to have, an insurable interest in the life or lives of the person or persons contracting to sell.

Insurable interest in lives of stockholders, partners, etc., under mutual contract to sell shares at death.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

H. B. 571

## CHAPTER 202

### AN ACT RELATING TO FORECLOSURE SALES UNDER DEEDS OF TRUST.

*The General Assembly of North Carolina do enact:*

SECTION 1. No action or proceeding shall be brought or defense or counterclaim pleaded later than one year after the ratification of this Act in which a foreclosure sale which occurred prior to January first, one thousand nine hundred and forty-one, under a deed of trust conveying real estate as security for a debt is attacked or otherwise questioned upon the ground that the trustee was an officer, director, attorney, agent or

Limitation of time for attacking certain foreclosures on ground trustee was agent, etc., of owner of debt.

Other grounds. employee of the owner of the whole or any part of the debt secured thereby, or upon the ground that the trustee and the owner of the debt or any part thereof have common officers, directors, attorneys, agents or employees.

Construction of Act. SEC. 2. This Act shall not be construed to give or create any cause of action where none existed before its ratification, nor shall the limitation provided in Section one hereof have the effect of barring any cause of action based upon grounds other than those mentioned in said section, unless the grounds set out in Section one are an essential part thereof.

Further rule of construction. SEC. 3. This Act shall not be construed to enlarge the time in which to bring any action or proceeding or to plead any defense or counterclaim; and the limitation hereby created is in addition to all other limitations now existing.

Pending litigation not affected. SEC. 4. This Act shall not affect pending litigation.

Conflicting laws repealed. SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

## H. B. 626

## CHAPTER 203

### AN ACT TO PERMIT THE DESTRUCTION OF SURRENDERED BONDS OF A CITY OR TOWN.

*The General Assembly of North Carolina do enact:*

Destruction of surrendered bonds of cities and towns. SECTION 1. All surrendered bonds of a city or town may, in the discretion of the governing board of such city or town, be destroyed. Before such bonds are destroyed the treasurer of the municipality shall make a correct descriptive list of all surrendered bonds of the municipality, in a substantially bound book to be kept by him for that purpose, which list shall include the number, date and amount of each bond and the purpose for which it was issued, when this can be ascertained; and after such list shall be made, such surrendered bonds shall be destroyed by burning in the presence of the mayor, treasurer or auditor, city attorney and secretary of the governing board of the city or town, who shall each certify under his hand in such book that he saw the described bonds so burned and destroyed.

Descriptive list kept in bound book.

Destruction by burning.

Witnesses.

Certificates.

Conflicting laws repealed. SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

H. B. 633

## CHAPTER 204

AN ACT TO AMEND HOUSE BILL NUMBER ELEVEN, BEING THE AMENDATORY REVENUE ACT OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, AND TO PROVIDE FOR THE PRINTING IN ONE COMPILATION OF THE REVENUE ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE AND OF THE AMENDMENTS AND SUPPLEMENTS THERETO, AND OF THE MACHINERY ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE AND OF THE AMENDMENTS AND SUPPLEMENTS THERETO.

*The General Assembly of North Carolina do enact:*

SECTION 1. That House Bill number eleven of this Session, entitled an Act to amend and supplement the Revenue Act of one thousand nine hundred and thirty-nine, the same being Chapter one hundred and fifty-eight of the Public Laws of North Carolina, Session of one thousand nine hundred and thirty-nine, ratified the twenty-eighth day of February, one thousand nine hundred and forty-one, be and the same hereby is amended as follows:

H. B. 11 (Ch. 50, Public Laws, 1941, Supplement to Revenue Act), amended.

Subsection (a) Amend Section nine by striking out the last paragraph of Section eight hundred and five of the Compensating Use Tax Article and inserting the following in lieu thereof, this amendment to take effect on and after July first, one thousand nine hundred and forty-one:

Sec. 9, amended, as to Compensating Use Tax.

"Every retailer engaged in business in this State, as defined in this Article, shall collect said tax notwithstanding (a) that the purchaser's order or the contract of sale is delivered, mailed, or otherwise transmitted by the purchaser to the retailer at a point outside of this State as a result of solicitation by the retailer through the medium of a catalog or other written advertisement, or (b) that the purchaser's order or the contract of sale is made or closed by acceptance or approval outside of this State or before said tangible personal property enters this State, or (c) that the purchaser's order or the contract of sale provides that said property shall be, or it is in fact, procured or manufactured at a point outside of this State and shipped directly to the purchaser from the point of origin, or (d) that said property is mailed to the purchaser in this State from a point outside this State or delivered to a carrier at a point outside this State, f.o.b., or otherwise, and directed to the purchaser in this State, regardless of whether the cost of transportation is paid by the retailer or by the purchaser, or (e) that said property is delivered directly to the purchaser at a point outside this State, if it is intended to be brought to this State for

Use tax collected, although sales contract or order sent to retailer outside State.

Collection, though sale closed outside State.

Collection, though goods shipped direct, interstate.

Collection, regardless of who pays shipping charges.

Collection when article, intended for use in State, delivered outside.

Credit of tax paid to State in which delivery occurred.

storage, use, or consumption in this State: Provided, that in the event of direct delivery to the purchaser at a point outside of this State the tax imposed by this Article shall be credited with any retail sales tax lawfully imposed and paid with respect to said property in the State where such delivery occurred, or (f) any combination, in whole or in part, of any two or more of the foregoing statements of fact."

Sec. 5, amended, as to Income Tax.

Subsection (b). Amend Section five by striking out Subsection one and inserting the following in lieu thereof, this amendment to take effect upon the ratification of this Act and to apply to the income year one thousand nine hundred and forty and subsequent years:

"Subsection (1). That Section three hundred and twenty-five be and the same hereby is stricken out and the following inserted in lieu thereof:

Exemption from income tax of compensation for personal services of residents taxed elsewhere.

"SEC. 325. Exemption of Compensation for Personal Services of Residents Taxed Elsewhere. The salaries, wages, or other compensation received during the income year by a resident of this State for personal services rendered outside of this State shall not be taxable in this State if he is required to pay an income tax thereon to another State or taxing jurisdiction other than the United States; but the same shall be included in his return to this State for the purpose of prorating the exemptions allowed by Section three hundred and twenty-four of this Article, as therein provided."

Codification of Revenue Act of 1939, as amended.

SEC. 2. That the Secretary of State, under the advice of the Attorney General, shall insert in the Revenue Act of one thousand nine hundred and thirty-nine, in their proper places, the several amendments and supplements thereto enacted by the General Assemblies of one thousand nine hundred and thirty-nine and one thousand nine hundred and forty-one, and shall print in codified form five thousand copies of said Act as amended and supplemented, which shall be delivered to the Commissioner of Revenue for distribution and, subject to rebuttal, shall be presumed to be a correct compilation.

Printing.

Presumption of correctness.

Codification of Machinery Act of 1939, as amended.

SEC. 3. That the Secretary of State, under the advice of the Attorney General, shall insert in the Machinery Act of one thousand nine hundred and thirty-nine, in their proper places, the several amendments and supplements thereto enacted by the General Assemblies of one thousand nine hundred and thirty-nine and one thousand nine hundred and forty-one, and shall print in codified form not exceeding three thousand copies of said Act as amended and supplemented, which shall be delivered to the State Board of Assessment for distribution and, subject to rebuttal, shall be presumed to be a correct compilation.

Printing.

Presumption of correctness.

SEC. 4. That except as herein otherwise provided, this Act shall take effect upon its ratification. Effective date.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

H. B. 646

## CHAPTER 205

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO THE TAKING OF AQUATIC PLANT FOOD AND OTHER WATER FOWL FOOD GROWING IN THE WATERS OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter one hundred and thirty-five of the Public Laws of one thousand nine hundred and thirty-five be, and the same is hereby, amended to read as follows: Ch. 135, Public Laws, 1935, amended.

“SEC. 2. Any person, firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or imprisoned not less than ninety (90) days nor more than six (6) months, or both such fine and imprisonment, in the discretion of the court.” Punishment for violation of Act for protection of aquatic plant foods, etc.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.



## H. B. 652

## CHAPTER 206

AN ACT TO AMEND SECTION FOUR THOUSAND FIVE HUNDRED AND SIXTEEN OF CONSOLIDATED STATUTES OF NORTH CAROLINA, AS AMENDED BY CHAPTER TWO HUNDRED AND TWENTY-SIX, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN WITH REFERENCE TO FEES ALLOWED COUNSEL ASSIGNED TO DEFENDANT IN CAPITAL CASES.

*The General Assembly of North Carolina do enact:*

C. S. 4516,  
amended.

SECTION 1. That Section four thousand five hundred and sixteen of the Consolidated Statutes of North Carolina as amended by Chapter two hundred and twenty-six of the Public Laws of one thousand nine hundred and thirty-seven be and the same is hereby amended by adding at the end of said section the following provision:

Maximum fees  
for counsel  
assigned to  
defend capital  
cases, Buncombe  
County.

"Provided the total fee in any case shall not exceed One Hundred Dollars (\$100.00), and in the event the fee allowed is in excess of Fifty Dollars (\$50.00) approval of the Board of County Commissioners of the county affected must be obtained before any order for payment thereof shall become effective."

Application of  
Act.

SEC. 2. This Act shall apply only to the County of Buncombe.

Conflicting laws  
repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

## H. B. 702

## CHAPTER 207

AN ACT TO EXTEND THE PERIOD DURING WHICH COUNTIES, CITIES, TOWNS, AND SANITARY DISTRICTS MAY ISSUE REVENUE BONDS FOR THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, IMPROVEMENT, BETTERMENT, AND EXTENSION OF REVENUE-PRODUCING UNDERTAKINGS AS AUTHORIZED BY CHAPTER TWO OF THE PUBLIC LAWS OF THE STATE OF NORTH CAROLINA, EXTRA SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-EIGHT.

*The General Assembly of North Carolina do enact:*

Sec. 11, Ch. 2,  
Public Laws,  
Extra Session,  
1938, amended.

SECTION 1. That Section eleven of Chapter two of the Public Laws of North Carolina, Extra Session of one thousand nine hundred and thirty-eight, be, and the same is hereby amended

by striking out all of Section eleven and substituting in lieu thereof the following:

“SEC. 11. Termination of Power to Issue Bonds. Except in pursuance to any contract or agreement heretofore entered into by any municipality, no municipality shall borrow any money or deliver any bonds pursuant to this Act to the purchaser, or purchasers, thereof, after March first, one thousand nine hundred and forty-three.”

Termination of power to issue bonds for revenue-producing undertakings by local units.

SEC. 2. By changing the period at the end of Subsection (1) of Section two to a comma and adding the following: “school dormitories and teacherages, club houses and golf courses.”

Sec. 2, amended, as to definition of “undertaking.”

SEC. 3. That Chapter two of the Public Laws of North Carolina, Extra Session of one thousand nine hundred and thirty-eight, is hereby reenacted as amended.

Ch. 2, reenacted as hereby amended.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

H. B. 804

## CHAPTER 208

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FORTY-THREE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO DOMESTIC RELATIONS COURT, AND TO REPEAL CHAPTER TWO HUNDRED AND TWENTY, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO JUVENILE COURT IN BUNCOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred and forty-three of the Public Laws of one thousand nine hundred and twenty-nine be and the same is hereby amended by adding a new section immediately following Section nine to be known as Section nine and one-half, as follows:

Ch. 343, Public Laws, 1929, amended.

“SEC. 9½. That upon the establishment of a domestic relations court as authorized in this Act, the Clerk of the Superior Court shall immediately transfer from the Superior Court to such domestic relations court all actions pending in the Superior Court of which the domestic relations court has jurisdiction as in this Act conferred, whether such actions are untried or tried and retained for judgment, sentence or further orders, and the

Domestic relations cases transferred from Superior Court to domestic relations court, upon establishment.

domestic relations court shall immediately have jurisdiction of such actions and shall thereafter try, enter further orders or dispose of such actions in the same manner and to the same extent as if said actions had been initiated in said domestic relations court."

Sec. 10, amended, making Domestic Relations Court Act applicable to Buncombe County.

SEC. 2. That Section ten of Chapter three hundred and forty-three, Public Laws of one thousand nine hundred and twenty-nine be and the same is hereby amended by striking out the word "Buncombe" wherever the same appears in said section.

Discontinuance of domestic relations court.

SEC. 2½. "After the establishment of any domestic relations court by any County Commissioners or by the governing authorities of a particular city, or the establishment of a Joint County-City Court of domestic relations, such board, governing authorities, or both, may, by resolution or resolutions, discontinue any such court."

Ch. 220, Public Laws, 1935, repealed.

SEC. 3. That Chapter two hundred and twenty, Public Laws of one thousand nine hundred and thirty-five, as amended, be and the same is hereby repealed.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after the first day of July, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

## H. B. 855

## CHAPTER 209

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE COUNTY BOARD OF EQUALIZATION AND REVIEW; APPLICABLE TO MECKLENBURG COUNTY ONLY.

*The General Assembly of North Carolina do enact:*

Sec. 1105, Ch. 310, Public Laws, 1939, amended, as to time of meeting of Equalization and Review Board, Mecklenburg County.

SECTION 1. That Section eleven hundred and five, Subsection five, of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, be and the same is hereby amended by striking out all of said subsection five after the semicolon in line four thereof, and inserting in lieu thereof the following: "but it shall complete its duties not later than ten days before the date provided by law for fixing the tax rate for the current year."

SEC. 2. That Section eleven hundred and five, Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine be and the same is hereby further amended by striking out the proviso at the end of Subsection seven (c), and inserting in lieu thereof the following: "Provided, that the Board of Equalization and Review of Mecklenburg County shall also have the right and authority to execute the powers and duties conferred by Section eleven hundred and five of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine in other than quadrennial years."

Sec. 1105, amended further, as to powers and duties of such Board.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall apply to Mecklenburg County only.

Application of Act.

SEC. 5. This Act shall take effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

H. B. 870

## CHAPTER 210

AN ACT TO REPEAL SECTIONS TWO THOUSAND FOUR HUNDRED AND EIGHTY-TWO, TWO THOUSAND FOUR HUNDRED AND EIGHTY-THREE AND TWO THOUSAND FOUR HUNDRED AND EIGHTY-FOUR OF CONSOLIDATED STATUTES OF NORTH CAROLINA RELATING TO PRICES TO BE CHARGED BY TIME MERCHANTS, IN GREENE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the provisions of Sections two thousand four hundred and eighty-two, two thousand four hundred and eighty-three and two thousand four hundred and eighty-four, Consolidated Statutes of North Carolina, be and the same are hereby repealed in so far as they apply to Greene County.

C. S. 2482, 2483, and 2484, regulating advances to farmers, repealed, as to Greene County.

SEC. 2. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

H. B. 884

## CHAPTER 211

AN ACT TO AMEND SECTION FOUR THOUSAND FIVE HUNDRED AND SIXTEEN OF THE CONSOLIDATED STATUTES RELATING TO FEES ALLOWED TO COUNSEL ASSIGNED TO DEFENDANTS IN CAPITAL CASES.

*The General Assembly of North Carolina do enact:*

C. S. 4516 (Ch. 247, Public Laws, 1917), amended.

Maximum fee for counsel appointed to defend capital case, Franklin County.

Act not applicable to pending cases.

Conflicting laws repealed.

SECTION 1. That Section four thousand five hundred and sixteen of the Consolidated Statutes of North Carolina, being Chapter two hundred and forty-seven of the Public Laws of one thousand nine hundred and seventeen, as amended by Chapter two hundred and twenty-six of the Public Laws of one thousand nine hundred and thirty-seven, be hereby amended by striking out the period after the word "found" in the last sentence of said Statute, as amended, and inserting in lieu thereof a colon, and adding the following thereto: "Provided that in Franklin County the fee allowed to the attorney so appointed to defend a person charged with a capital crime shall not exceed the sum of one hundred dollars (\$100.00)."

SEC. 2. That this Act shall not apply to pending litigation.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

H. B. 934

## CHAPTER 212

AN ACT TO AMEND SECTION ONE THOUSAND FOUR HUNDRED AND FORTY-THREE OF THE CONSOLIDATED STATUTES, AS AMENDED, RELATING TO THE TERMS OF COURT FOR AVERY AND MITCHELL COUNTIES.

*The General Assembly of North Carolina do enact:*

C. S. 1443, amended.

Terms of Superior Court, Avery County.

SECTION 1. That Section one thousand four hundred and forty-three of the Consolidated Statutes, as amended, be and the same is hereby amended by striking out all of the paragraphs under the seventeenth district in said section relating to Avery and Mitchell Counties and inserting in lieu thereof the following:

"Avery—Sixth Monday after the first Monday in March for two weeks, the first week for the trial of criminal cases only and the second week for the trial of civil cases only; eighth Monday before the first Monday in September, two weeks, for



the trial of both civil and criminal cases; sixth Monday after the first Monday in September for two weeks, the first week for the trial of criminal cases only and the second week for civil cases only."

"Mitchell—Fourth Monday after the first Monday in March, two weeks; Sixth Monday before the first Monday in September, two weeks for civil cases only; second Monday after the first Monday in September for two weeks."

Terms of  
Superior Court,  
Mitchell County.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. That this Act shall be in full force and effect from and after the first day of July, one thousand nine hundred and forty-one.

Effective date.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

H. B. 69

## CHAPTER 213

### AN ACT TO AMEND THE LAW RELATIVE TO THE RECORDER'S COURT OF PASQUOTANK COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the provisions of Chapter one hundred and eighty of the Public Laws of one thousand nine hundred and seven, and all Acts amendatory thereto, relative to a trial by jury in the Recorder's Court of Pasquotank County, be, and the same hereby are, repealed.

Ch. 180, Public  
Laws, 1907,  
repealed, as to  
jury trials,  
Pasquotank  
Recorder's Court.

SEC. 2. In all trials in the Recorder's Court for Pasquotank County, upon demand for a jury by the defendant or the Prosecuting Attorney representing the State, the Recorder shall transfer said trial to the Superior Court of Pasquotank County, and the defendant shall execute a new bond in such amount as named by the Recorder for his appearance at the next term of the Superior Court for Pasquotank County.

Transfer of jury  
cases, Pas-  
quotank County  
Recorder's Court,  
to Superior  
Court.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 4. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1941.

## S. B. 21

## CHAPTER 214

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIFTY-EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE USE AND OPERATION OF STATE OWNED SCHOOL BUSSES.

*The General Assembly of North Carolina do enact:*

Ch. 358, Public Laws, 1939, amended.

SECTION 1. That Section twenty-four of Chapter three hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine be, and the same is hereby amended by adding a new paragraph at the end thereof, to read as follows:

Provision for use of school busses on field trips.

"The State School Commission is authorized and empowered, under rules and regulations to be adopted by said School Commission, to permit the use and operation of school busses for the transportation of school children on necessary field trips while pursuing the courses of vocational agriculture, home economics, trade and industrial vocational subjects, to and from demonstration projects carried on in connection therewith; provided that under no circumstances shall the total round trip mileage for any one trip exceed twenty-five miles nor on any such trip shall a State owned school bus be taken out of the State of North Carolina. The costs of operating such school busses for said purpose, including the liability for workmen's compensation therewith and the employment of drivers of such busses, shall be paid for out of State funds, and the drivers of such busses shall be selected and employed as is provided for the operation of busses for the regularly organized school day under Section twenty-seven of this Act: Provided, further, that the State School Commission shall approve and designate any busses used for the purposes herein set forth."

Limitation of use.

Operating costs.

Selection and employment of drivers.

Approval and designation of busses.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. B. 41

## CHAPTER 215

AN ACT TO REDUCE THE PUNISHMENT FOR CAPITAL FELONIES FROM DEATH TO LIFE IMPRISONMENT WHEN RECOMMENDED BY THE JURY.

*The General Assembly of North Carolina do enact:*

C. S. 4233, amended.

SECTION 1. Section four thousand two hundred and thirty-three of Volume one of the Consolidated Statutes of one thou-

sand nine hundred and nineteen is hereby amended to read as follows:

"Any person convicted, according to due course of law, of the crime of burglary in the first degree shall suffer death: Provided, if the jury shall so recommend, the punishment shall be imprisonment for life in the State's Prison. Anyone so convicted of burglary in the second degree shall suffer imprisonment in the State's Prison for life, or for a term of years, in the discretion of the court."

Punishment for first degree Burglary.

Punishment for second degree Burglary.

SEC. 2. Section four thousand two hundred and thirty-eight of Volume one of the Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen is hereby amended by changing the period at the end to a colon and adding the following: "Provided, if the jury shall so recommend, the punishment shall be imprisonment for life."

C. S. 4238, amended, providing for life imprisonment, upon jury recommendation.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 43

## CHAPTER 216

AN ACT TO AUTHORIZE AND DIRECT THE BOARD OF PUBLIC BUILDINGS AND GROUNDS TO INSTALL AN ELEVATOR OR ESCALATOR IN THE STATE CAPITOL BUILDING.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Public Buildings and Grounds is hereby authorized and directed to investigate, and if practicable from standpoint of costs and construction, to contract for the installation of and have installed either an elevator or elevators, leading from the first to the third floor at some suitable and convenient place to be selected by them, in the State Capitol Building; and to investigate, and if practicable from standpoint of costs, construction and need, to contract for the installation of and have installed an elevator to serve the several floors of the Governor's Mansion.

Installation of elevator or escalator in State Capitol, authorized.

Elevator for Governor's Mansion, authorized.

SEC. 2. For the purpose of carrying out the provisions of this Act, there is hereby appropriated from the contingency and emergency fund amounts sufficient to pay the cost of each and both of the projects above authorized, to be expended by the said Board of Public Buildings and Grounds for these purposes.

Appropriation for cost of projects.

Selection of  
competent  
architects.

Dates for  
completion of  
projects.

Conflicting laws  
repealed.

SEC. 3. The Board of Public Buildings and Grounds is hereby authorized and directed to select suitable and competent architects to supervise the installation of each of the above projects, and said installation of the elevator in the Governor's Mansion shall be completed on or before the first day of January, one thousand nine hundred and forty-two, and the project in the Capitol Building shall be completed on or before the first day of January, one thousand nine hundred and forty-three.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. B. 47

## CHAPTER 217

### AN ACT TO PROVIDE FOR AN APPROPRIATION OF STATE FUNDS FOR THE MAINTENANCE AND IM- PROVEMENT OF HIGHWAYS IN CITIES AND TOWNS.

*The General Assembly of North Carolina do enact:*

Certain appro-  
priations spe-  
cially designated  
for maintenance,  
etc., of streets,  
etc., of cities  
and towns.

SECTION 1. That the money appropriated and provided for in the Appropriations Bill for the fiscal years one thousand nine hundred and forty-one and one thousand nine hundred and forty-two and one thousand nine hundred and forty-three from funds collected from the tax on gasoline and license fees on motor vehicles and such further sums as may be appropriated from time to time and allocated to cities and towns shall be spent for the maintenance, repair, improvement, construction, reconstruction, or widening of highways and streets in cities and towns, as provided in this Act.

Basis of  
apportionment  
of funds between  
municipalities  
of State.

SEC. 2. Of such funds as may be appropriated from time to time for the maintenance, repair, improvement, construction, reconstruction or widening of highways and streets in cities and towns, one third shall be apportioned or allocated as between the several cities and towns by the State Highway and Public Works Commission upon the basis that the population of each city or town bears to the total population of all the cities and towns at the last preceding United States census and one third upon the basis that the mileage of streets which form a part of the State highway system in all the cities and towns and one third on the basis of relative need as between the various cities and towns as determined by the State Highway and Public Works Commission. Each year before the first day of June the State Highway and Public Works Commission shall certify an accurate account of such allocations to each city or town.

Annual certifica-  
tion of account  
of allocations.

SEC. 3. Each year before the first day of July the governing body of each city and town shall recommend for the approval of the State Highway and Public Works Commission the use of such funds as are allocated to such city or town: Provided, that all of such funds so allocated to cities and towns shall be used first for the maintenance, repair, improvement, construction, reconstruction, or widening of the streets within said cities and towns which form a part of the State highway system until such streets shall be in a condition satisfactory to the State Highway and Public Works Commission and to the governing body of such city or town, after which, if there is any balance of funds remaining in the allotment to any city or town, such balance shall be used for the maintenance, repair, improvement, construction, reconstruction or widening of streets which form important connecting links to the State highway system or the county highway system or farm to market roads. Should any balance remain in the allotment to any city or town at the end of a fiscal year, such balance shall accrue to the credit of such city or town to be added to its allotment for the ensuing fiscal year.

Local use of funds recommended by local governing body.

Provision for primary use of funds.

Use of balance of funds.

Accrued balances added to unit's allotment for ensuing year.

SEC. 4. The work of maintaining, repairing, improving, constructing, reconstructing, or widening such streets shall be performed by the State Highway and Public Works Commission, except that in the discretion of the commission it may contract with any city or town having adequate facilities that the city or town shall do the work of maintaining, repairing, improving, constructing, reconstructing, or widening such streets. In the event the work is performed by the city or town, it shall account quarterly to the State Highway and Public Works Commission for the use of the funds in such work; and in the event the work is performed by the State Highway and Public Works Commission, it shall account annually to the city or town for the use of the funds in such work. All work for which the funds herein provided for are spent shall be in accordance with the specifications of the State Highway and Public Works Commission.

Performance of work on streets.

Quarterly accounts to State Highway Commission, when work performed by local unit.

Specifications.

Neither the undertaking nor doing of any work upon streets in cities and towns by the State Highway and Public Works Commission shall deprive the cities or towns of the right to construct streets or to improve or maintain them as they may deem necessary, in addition to the work done by the State Highway and Public Works Commission.

Right of municipalities to construct, improve, etc., additional streets.

SEC. 5. All contracts entered into between the State Highway and Public Works Commission and the municipalities of the State under this Act or other provision of the State Highway law may be enforced by proper actions either in the superior court of the county in which said municipality exists or in Wake County.

Enforcement of contracts between State Highway Commission and municipalities.



Ch. 213, Public Laws, 1935, and conflicting laws, repealed.

SEC. 6. Chapter two hundred and thirteen of the Public Laws of one thousand nine hundred and thirty-five is hereby repealed, and all other laws and clauses of laws in conflict with this Act, to the extent of such conflict, are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

# S. B. 65

## CHAPTER 218

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FOURTEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATIVE TO PHYSICAL EXAMINATION BEFORE ISSUANCE OF LICENSE TO MARRY.

*The General Assembly of North Carolina do enact:*

Ch. 314, Public Laws, 1939, amended, as to physical examination before issuance of marriage licenses.

SECTION 1. Amend Section one of Chapter three hundred and fourteen of the Public Laws of one thousand nine hundred and thirty-nine by striking out the words "seven days" in line five thereof and inserting in lieu thereof the words "thirty days;" further amend said section by striking out the words "two weeks" in the last line of the first paragraph thereof and inserting in lieu thereof the words "thirty days."

Ch. 314, further amended, removing exemption of non-residents from law.

SEC. 2. Amend said Chapter three hundred and fourteen of the Public Laws of one thousand nine hundred and thirty-nine further by striking out all of Section four of said Act.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 77

## CHAPTER 219

AN ACT TO AMEND CHAPTER EIGHTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AND ACT AMENDATORY THEREOF, RELATING TO THE STATE BOARD OF EXAMINERS OF TILE CONTRACTORS AND THE LICENSING OF PERSONS ENGAGED IN THE TILE CONTRACTING BUSINESS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Sections one, two, six, nine and ten of Chapter eighty-six of the Public Laws of one thousand nine hundred and thirty-seven, and Act amendatory thereof, are stricken out and the following paragraphs substituted in lieu thereof:

Ch. 86, Public Laws, 1937, amended, re-writing certain sections.

"SECTION 1. In order to protect the health and safety of the people of North Carolina any person, firm or corporation desiring to engage in tile contracting within the State of North Carolina as defined in this Act shall make application in writing for license to the North Carolina Licensing Board for Tile Contractors: Provided, that the provisions of this Act shall not apply to State colleges, hospitals and other State buildings.

Licensing of tile contractors.

Exemptions.

"SEC. 2. Engaging in tile contracting for the purpose of this Act is defined to mean any person, firm or corporation who for profit undertakes to lay, set or install ceramic tile, marble, or terrazzo floors or walls in buildings for private or public use.

Definition of "tile contracting."

"SEC. 6. Any person desiring to be examined by said Board shall at least two weeks prior to the holding of an examination file an application upon the prescribed form to be furnished by the Board. Each applicant upon making an application shall pay to the secretary-treasurer of the Board an examination fee of twenty-five dollars (\$25.00). To qualify and obtain a license such applicant must be a citizen of the United States, or person who has duly declared his intention of becoming such citizens, who shall have had at least two years experience, or its equivalent, next preceding the date of his application for license as a tile, marble and terrazzo student or mechanic, possessing the knowledge to specify the proper kind of tile, marble and terrazzo floors or walls for use in private or public buildings, and the ability to lay, set or install tile, marble and terrazzo in accordance with specifications and blue prints ordinarily used in the tile contracting business.

Applications for examinations.

Fee.

Qualifications of applicants.

"SEC. 9. All persons, firms or corporations now actively engaged in the tile contracting business in the State of North Carolina shall upon filing affidavit with the Board be entitled to and receive a license without examination upon payment of the annual license fee.

Licenses without examination to persons, etc. now actively engaged in tile contracting.

Firms, etc. having  
licensed member,  
authorized to  
engage in tile  
contracting  
business.

Condition.

Employees  
exempt.

Restricted  
application  
of Act.

Conflicting laws  
repealed.

"SEC. 10. Any firm, partnership or corporation may engage in the tile contracting business in this State, provided, one member of said firm, partnership or corporation is a licensed tile contractor actually employed by said firm, partnership or corporation, and personally present in charge of such tile contracting work. No license shall be required of any mechanic or employee of a licensed tile contractor performing duties for the employer. Provided, however, that none of the provisions of this Act shall apply to jobs in which the total cost of tile, labor and other materials necessary for laying same is less than one hundred and fifty dollars (\$150.00)."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. B. 93

## CHAPTER 220

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND TWENTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN AND CHAPTER TWO HUNDRED AND SEVENTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE WITH REFERENCE TO THE INSPECTION OF GASOLINE, KEROSENE AND OTHER PETROLEUM PRODUCTS.

*The General Assembly of North Carolina do enact:*

Adoption of  
standards for  
kerosene and  
gasoline by  
Gasoline and  
Oil Inspection  
Board.

Labeling of  
pumps.

Regulations.

Approval of  
Governor.

Construction of  
conflicting laws.

SECTION 1. That the duly appointed and acting Gasoline and Oil Inspection Board shall have the power, in its discretion, after public notice and provision for the hearing of all interested parties, to adopt standards for kerosene and for one or more grades of gasoline based upon scientific tests and ratings and for each of the articles for which inspection is provided; to require the labeling of dispensing pumps or other dispensing devices, and to prescribe the forms therefor; and to pass all rules and regulations necessary for enforcing the provisions of the laws relating to the transportation and inspection of petroleum products; provided however that the action of said Gasoline and Oil Inspection Board shall be subject to the approval of the Governor of the State.

SEC. 2. That all laws and clauses of laws inconsistent or in conflict with the provisions of this Act are hereby modified and amended so as to conform to the provisions hereof.

SEC. 3. That this law shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 106

## CHAPTER 221

AN ACT TO PROVIDE FOR AN ADEQUATE TIME IN WHICH TO MARKET AGRICULTURAL PRODUCTS BY EXEMPTING THE SAME FROM TAXATION FOR THE YEAR FOLLOWING THE YEAR IN WHICH GROWN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Subsection twenty-two of Section nine hundred of the Machinery Act of one thousand nine hundred and thirty-nine, the same being Subsection twenty-two of Section nine hundred of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, be, and the same hereby is, amended by striking out the period at the end of said section and inserting a colon in lieu thereof and adding the following:

Sub-sec. 22, Sec. 900, Ch. 310, Public Laws, 1939, amended.

“Provided, the same need not be listed if grown in the preceding year, and shall not be subject to taxation for the year following the year in which grown, but shall be listed and taxed for any year thereafter.”

Farm products in storage not listed or taxed for year following year of cultivation.

SEC. 2. That Section six hundred and one of the Machinery Act of one thousand nine hundred and thirty-nine, the same being Section six hundred and one of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, be, and the same hereby is, amended by adding after Subsection ten thereof the following:

Sec. 601, amended.

“(11) All cotton, tobacco or other farm products owned by the original producer, or held by the original producer in any public warehouse and represented by warehouse receipts, or held by the original producer for any coöperative marketing or grower's association, shall be exempt from taxation for the year following the year in which grown, but not for any year thereafter.”

Farm products held by producer in public warehouse, etc. exempt from taxes.

SEC. 3. That Subsection (b) of Section six hundred and two of the Machinery Act of one thousand nine hundred and thirty-nine, the same being Subsection (b) of Section six hundred and two of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, be, and the same hereby is, amended to read as follows:

Sec. 602, amended, as to tax deductions allowed.

“All bona fide indebtedness incurred in the purchase of fertilizer and fertilizer materials owing by a taxpayer as principal debtor may be deducted from the total value of all fertilizer and

Bona fide debt for fertilizer purchased deductible from value thereof.

Bona fide debt for purchase of cotton stored in State deductible from value.

fertilizer materials as are held by such taxpayer for his own use in agriculture during the current year: Provided, further, that from the total value of cotton stored in this State there may be deducted by the owner thereof all bona fide indebtedness incurred directly for the purchase of said cotton and for the payment of which the cotton so purchased is pledged as collateral."

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 108

CHAPTER 222

AN ACT TO AMEND SECTION THIRTY-THREE OF CHAPTER ONE HUNDRED AND SIXTY-FOUR, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, AS AMENDED, RELATING TO HOURS DURING WHICH POLLS SHALL REMAIN OPEN IN PRIMARIES AND ELECTIONS.

*The General Assembly of North Carolina do enact:*

Ch. 164, Public Laws, 1929, amended as to hours of primary and general elections.

SECTION 1. That Section thirty-three of the Public Laws of one thousand nine hundred and twenty-nine, as amended by Chapter two hundred and fifty-eight and four hundred and fifty-seven of the Public Laws of one thousand nine hundred and thirty-seven, be amended by striking out all of said section and the following substituted therefor: "Section 33. HOURS OF PRIMARIES AND ELECTIONS. In all primary and general elections held in this State, including all local and municipal elections, the polls shall open at sixty-thirty o'clock A.M. and shall close at the hour of six-thirty o'clock P.M. Eastern Standard Time."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.



S. B. 111

## CHAPTER 223

AN ACT TO AMEND CHAPTER THREE HUNDRED AND THIRTY-SEVEN OF THE PUBLIC LAWS OF NORTH CAROLINA, REGULAR SESSION ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO EXAMINATION OF DOMESTIC SERVANTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred and thirty-seven of the Public Laws of North Carolina, Regular Session of one thousand nine hundred and thirty-seven, be and the same is hereby amended by inserting a new section between "Section 2" and "Section 3" thereof, as follows:

Ch. 337, Public Laws, 1937, amended as to examination of domestic servants.

"SECTION 2½. (a) Any domestic servant who shall fail or refuse to comply with the terms of sections one and two hereof, upon conviction shall be fined not more than \$50.00 or imprisoned not more than thirty days.

Punishment for failure of servant to comply.

(b) The Health Officer of each of the counties in this State shall give publication of this law at least two weeks, during the next twelve months, said notice to be given by publishing same at the Court House door in said county, and publishing same once each week for two weeks in a newspaper published in said county."

Publication of law by County Health Officer.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 117

## CHAPTER 224

AN ACT TO PROVIDE FOR THE CARE, OPERATION AND MAINTENANCE OF THE PUBLIC BUILDINGS AND GROUNDS OF THE STATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. Definitions.—Public buildings and grounds referred to in this Act include the executive mansion and all the public buildings and grounds owned or maintained by the State, now existing or hereafter acquired, in the City of Raleigh, and the State warehouse located on the State fair grounds, but do not include any buildings or grounds which any State institution or agency other than the board of Public Buildings and Grounds is required by law to care for and maintain.

Definitions:

"Public buildings and grounds."

"Board." "Board" as used in this Act means the Board of Public Buildings and Grounds.

"Superintendent." "Superintendent" means the Superintendent of Public Buildings and Grounds.

Board of Public Buildings and Grounds. SEC. 2. Board of Public Buildings and Grounds.—The Governor, the Secretary of State, the Treasurer, the Attorney General and the Assistant Director of the Budget shall constitute the Board of Public Buildings and Grounds, and shall serve ex-officio as members of the Board.

Powers and duties. SEC. 3. Powers and duties of Board.—The Board shall have the following powers and duties in addition to other powers and duties provided by law:

Custody and control of public buildings and grounds; etc. (1) To assume the custody and control of public buildings and grounds, and supervise the care, operation and maintenance of public buildings and grounds, and the establishment, location, care and maintenance of walks, driveways, trees, shrubs, flowers, fountains, monuments, memorials, markers and tablets on public grounds.

Provision of adequate quarters, etc. for State departments, etc. (2) To provide necessary and adequate quarters, office and working space for all state departments, agencies and legislative committees in the City of Raleigh when no other provision for space is made by law, and to this end the Board is given full authority to allocate and reallocate space in public buildings and grounds and make such readjustments and provide such facilities as may be necessary to effectuate these powers.

Employment and control of assistants, laborers; etc. (3) To employ, supervise and control such reliable and efficient assistants and laborers as may be necessary for the adequate care, operation and maintenance of the public buildings and grounds, and to fix their compensation with the approval of the budget bureau whenever such approval may be required by law.

Janitor service, etc. (4) To provide necessary and adequate cleaning and janitor service, elevator operation service, and other operation of maintenance service.

Provision for night watchman. (5) To provide necessary night watchmen.

Repairs. (6) To procure and supervise the prompt repair of buildings, furniture and fixtures.

Fire protection. (7) To use at all times such means as may, in its opinion, be effectual to protect all public buildings and grounds from fire.

Lease of vacant lots of State. (8) To lease vacant lots of the State in the City of Raleigh not otherwise appropriated, upon such terms as may be reasonable and proper, for a period not to exceed twelve months under the terms of any one lease, and to collect the proceeds of such rentings and deposit them to the credit of the Treasurer imme-

diately upon collection: Provided, however, any lease entered into pursuant to this subsection may, in the discretion of the Board, be extended or renewed from time to time, for a period not to exceed twelve months under the terms of any one extension or renewal.

Renewal of leases.

(9) To supervise the work of janitors appointed by the General Assembly to perform services in connection with the sessions of the General Assembly until the Legislature convenes.

Janitorial service during General Assembly.

(10) To keep in repair, out of funds appropriated for that purpose, all necessary furniture for the halls of the Senate and House of Representatives and the rooms of the Capitol used by the officers, clerks and other employees of the General Assembly.

Repair of furniture used in connection with legislature.

(11) To make and enforce regulations with respect to the parking of automobiles on all public grounds.

Regulation of automobile parking on public grounds.

(12) In its discretion, to store, destroy or otherwise dispose of obsolete papers, records and documents which have been discarded by any of the State departments or agencies and found by them to be of no value.

Storing, destruction, etc. of certain obsolete papers, etc.

(13) In its discretion, to establish and maintain a central mailing system for all State departments and agencies, and in connection therewith and in the discretion of the Board to make application for and procure a post office substation for such purpose, and to do all other things needful in the discretion of the Board in connection with the establishment of such central mailing system. In the event of the establishment of such central mailing system the Board shall have the right to allocate and charge against the respective departments and agencies their proportionate part of the cost of maintenance of such central mailing system.

Establishment of central mailing system for State Departments, etc.

Allocation of cost.

(14) In its discretion, to provide necessary and adequate messenger service for the State departments and agencies for whom the Board is required to furnish office or working space: Provided, that this shall not be construed to prevent the employment and control of messengers by any State department or agency when such messengers are compensated out of funds of said department or agency.

Provision for messenger service for State Departments, etc.

(15) To take or otherwise control birds and animals, such as pigeons, dogs, cats and squirrels, on public buildings and grounds.

Control of birds and animals on public grounds.

(16) To beautify the public grounds.

Beautification of grounds.

(17) To provide necessary information service for visitors to the Capitol.

Information service.

(18) To provide suitable space for an arsenal.

Space for arsenal.

Supervision of locating, construction, etc. of public buildings.

(19) To have direct control and supervision over the location, plan and construction of any public buildings unless it shall be otherwise provided in the Act authorizing such construction.

Direction of Superintendent.

(20) To direct and supervise the Superintendent in the administration of this Act, and in the performance of all other powers and duties imposed by law.

Appointment and salary of Superintendent.

SEC. 4. Appointment and salary of Superintendent.—The Board shall appoint and, with the approval of the budget bureau, fix the salary of the Superintendent. He shall hold office until his successor is appointed and files his bond in accordance with the provisions of Section five.

Term.

Bond of Superintendent.

SEC. 5. Bond of Superintendent.—Before entering upon the duties of his office, the Superintendent shall execute a bond with good and sufficient surety or security, in a sum to be fixed by the Board, payable to the State of North Carolina and conditioned on the faithful discharge of his duties. The Board may, in its discretion, require that the penal sum of the bond be increased at any time. The bond shall be deposited in the office of the Secretary of State, and shall be renewed every two years, with such surety or security and in such amount as the Board may direct, and the same may be sued upon by the State upon the relation of the Board whenever in the judgment of said Board any condition thereof has been broken. The bond shall not be discharged until the whole penalty is exhausted in damages.

Custody and renewal.

Suit upon bond.

Discharge.

Duties of Superintendent.

SEC. 6. Duties of Superintendent.—The Superintendent shall perform all the duties and exercise all the powers delegated to him by the Board with the approval and under the supervision of the Board.

Adoption of rules and regulations.

SEC. 7. Board may make rules and regulations.—The Board is empowered to promulgate reasonable and necessary rules and regulations to provide for the care, conservation and protection of buildings and grounds and all fixtures and adjuncts thereto. A violation of any rule or regulation duly promulgated by the Board shall be a misdemeanor, and shall be punishable in the discretion of the court.

Accounts for labor.

SEC. 8. Accounts for labor.—No account for labor performed or materials furnished in connection with the care, maintenance and operation of public buildings and grounds shall be audited and paid until the same is certified by the Superintendent to be accurate.

Disorderly conduct, injury to public buildings and grounds, made misdemeanor.

SEC. 9. Disorderly conduct in and injury to public buildings and grounds.—If any person shall commit any nuisance, or conduct himself in a disorderly manner in or around any public buildings and grounds, or deface or injure any of the buildings and grounds or willfully trespass upon any of the buildings



and grounds or commit waste thereon, or refuse to surrender possession after the expiration of a lease, or if there is no lease, after the expiration of ten days from demand made by the Superintendent, such person shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.

Punishment.

SEC. 10. Power of arrest.—The Superintendent is hereby constituted a special peace officer, and shall have the right to arrest with warrant any person violating any law on or with respect to public buildings and grounds, and he shall have the right to arrest, or pursue and arrest, without warrant any person violating in his presence any law on or with respect to public buildings and grounds. The Superintendent is authorized to designate as special peace officers such number of reliable and efficient employees as he may think proper who shall have the same power of arrest as the Superintendent. Before the Superintendent shall exercise any power of arrest under this section he shall take an oath to be administered by the Attorney General; and before any officer designated by the Superintendent shall exercise any power of arrest under this section, he shall take an oath to be administered by the Superintendent. The oath shall be in the following form:

Superintendent granted power of arrest.

Designation of special peace officers.

Oath by Superintendent and peace officers.

"I, A. B., do swear (or affirm) that I will well and truly execute the duties of the office of special peace officer for public buildings and grounds according to the best of my skill and ability, according to law; so help me, God."

Form of oath.

SEC. 11. Moore and Nash squares and other public lots.—The governing body of the City of Raleigh shall have power, at its own expense, to grade, lay out in walks, plant with trees, shrubbery and flowers, and otherwise adorn Moore and Nash squares, and to that end shall have the general charge and management of these squares. The governing body may manage and improve in like manner any of the vacant lots belonging to the State within the city limits and not otherwise appropriated. The governing body shall not prevent the free access of the public to such squares or lots during reasonable hours.

Management and improvement of Moore and Nash Squares in Raleigh.

Whenever, in the opinion of the Board, the governing body is not properly keeping the squares or lots which it has taken in charge under this section, the said Board shall call the matter to the attention of the governing body, and if the governing body then fails for a period of sixty days to begin to take proper care of the squares or lots, the Board may repossess them and proceed to manage and control them for the preservation of such property.

Action by State Board upon failure of Raleigh authorities.

In the event that the use of these squares and lots shall be needed by the State, the license of the City of Raleigh to control and manage them shall terminate six months after notice given

Termination of license of control, etc. granted to City of Raleigh.



by the Board to the governing body of the city, and thereupon possession shall be promptly surrendered to the State.

Construction of public buildings; use of contingency and emergency fund.

SEC. 12. Construction of public buildings; use of contingency and emergency fund.—It shall be lawful to resort to the contingency and emergency fund, provided in the Appropriations Act, for financial aid in the construction, alteration, renovation or repair of State public buildings, when in the opinion of the Governor and the Council of State a condition of emergency exists rendering it necessary to construct, alter, renovate or repair one or more buildings for the purpose of housing State governmental bureaus, departments and agencies.

Certain laws repealed.

SEC. 13. Other laws repealed.—Chapter one hundred and seventeen of the Consolidated Statutes of one thousand nine hundred and nineteen as amended by Chapter three hundred and fifteen of the Public Laws of one thousand nine hundred and twenty-five, Chapter one hundred and fifty-three of the Public Laws of one thousand nine hundred and twenty-seven and Chapter three hundred and four of the Public Laws of one thousand nine hundred and thirty-seven, Section three thousand eight hundred and eighty of the Consolidated Statutes of one thousand nine hundred and nineteen, Chapter eighty-three of the Public Laws of the extra session of one thousand nine hundred and twenty, and Section four of Chapter one hundred and fifty-eight of the Public Laws of one thousand nine hundred and twenty-five and all other laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 14. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 130

## CHAPTER 225

AN ACT TO DEFINE AND ESTABLISH THE SENATORIAL DISTRICTS OF THE STATE, AND TO MAKE THE APPORTIONMENT OF THE MEMBERS OF THE SENATE.

*The General Assembly of North Carolina do enact:*

Apportionment of members of Senate.

SECTION 1. Until another apportionment of the State shall be had in accordance with the terms of the Constitution and laws of North Carolina, the Senate shall be composed of fifty members, elected from districts constituted as follows:

Establishment of Districts.

First District.

First District—Bertie, Camden, Chowan, Currituck, Gates, Hertford, Pasquotank, and Perquimans Counties shall elect two senators.

Second District—Beaufort, Dare, Hyde, Martin, Pamlico, Tyrrell, and Washington shall elect two senators. Second District.

Third District—Northampton, Vance, and Warren shall elect one senator. Third District.

Fourth District—Edgecombe and Halifax shall elect two senators. Fourth District.

Fifth District—Pitt shall elect one senator. Fifth District.

Sixth District—Franklin, Nash, and Wilson shall elect two senators. Sixth District.

Seventh District—Carteret, Craven, Greene, Jones, Lenoir, and Onslow shall elect two senators. Seventh District.

Eighth District—Johnston and Wayne shall elect two senators. Eighth District.

Ninth District—Duplin, New Hanover, Pender, and Sampson shall elect two senators. Ninth District.

Tenth District—Bladen, Brunswick, Columbus, and Cumberland shall elect two senators. Tenth District.

Eleventh District—Robeson shall elect one senator. Eleventh District.

Twelfth District—Harnett, Hoke, Moore, and Randolph shall elect two senators. Twelfth District.

Thirteenth District—Chatham, Lee, and Wake shall elect two senators. Thirteenth District.

Fourteenth District—Durham, Granville, and Person shall elect two senators. Fourteenth District.

Fifteenth District—Caswell and Rockingham shall elect one senator. Fifteenth District.

Sixteenth District—Alamance and Orange shall elect one senator. Sixteenth District.

Seventeenth District—Guilford shall elect one senator. Seventeenth District.

Eighteenth District—Davidson, Montgomery, Richmond, and Scotland shall elect two senators. Eighteenth District.

Nineteenth District—Anson, Stanly, and Union shall elect two senators. Nineteenth District.

Twentieth District—Mecklenburg shall elect one senator. Twentieth District.

Twenty-first District—Cabarrus and Rowan shall elect two senators: At the time of holding primary election for nomination of State officers, as provided in Chapter ninety-seven of Consolidated Statutes, the candidates of the several political parties for one of the senators from said twenty-first district shall be nominated by the respective electors of the several political Twenty-first District.

parties of Rowan County, and the candidates for the other senator from said twenty-first district shall be nominated by the respective electors of the several political parties of Cabarrus County.

Twenty-second District.

Twenty-second District—Forsyth shall elect one senator.

Twenty-third District.

Twenty-third District—Stokes and Surry shall elect one senator.

Twenty-fourth District.

Twenty-fourth District—Davie, Wilkes and Yadkin shall elect one senator.

Twenty-fifth District.

Twenty-fifth District—Catawba, Iredell, and Lincoln shall elect two senators.

Twenty-sixth District.

Twenty-sixth District—Gaston shall elect one senator.

Twenty-seventh District.

Twenty-seventh District—Cleveland, McDowell, and Rutherford shall elect two senators.

Twenty-eighth District.

Twenty-eighth District—Alexander, Burke, and Caldwell shall elect one senator.

Twenty-ninth District.

Twenty-ninth District—Alleghany, Ashe, and Watauga shall elect one senator.

Thirtieth District.

Thirtieth District—Avery, Madison, Mitchell, and Yancey shall elect one senator.

Thirty-first District.

Thirty-first District—Buncombe shall elect one senator.

Thirty-second District.

Thirty-second District—Haywood, Henderson, Jackson, Polk, and Transylvania shall elect two senators.

Thirty-third District.

Thirty-third District—Cherokee, Clay, Graham, Macon, and Swain shall elect one senator.

Partial invalidity Section.

SEC. 2. Unconstitutionality or invalidity of any section, subsection, clause, sentence or phrase of this Act which is reasonably separable from the remaining portions of this Act, or the application thereof in any particular case, is for any reason held unconstitutional, such decision shall not affect the remaining portions of this Act.

C. S. 6087, and other conflicting laws, repealed.

SEC. 3. That Section six thousand and eighty-seven of Volume three of the Consolidated Statutes, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 139

## CHAPTER 226

AN ACT TO AMEND SECTION TWO THOUSAND THREE HUNDRED AND FOUR (b) OF VOLUME THREE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, TO PERMIT EXAMINATIONS OF ALLEGED INEBRIATES UPON THE PETITION OF TWO CITIZENS OF THE COUNTY WHERE SUCH ALLEGED INEBRIATE RESIDES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two thousand three hundred and four (b) of Volume three of the Consolidated Statutes of North Carolina be amended by rewriting the first sentence thereof to read as follows:

C. S. 2304 (b),  
amended.

"Upon petition of any two of the following persons, to-wit, the wife, husband, parent, child, committee of the estate of an inebriate, or next friends of such person, or, if there be no such persons, then of two citizens of the county wherein the alleged inebriate resides, the clerk of the superior court of the county in which the said alleged inebriate resides shall issue his warrant requiring the inebriate, on a day fixed, to be brought into court for a hearing."

Petition for  
examination of  
inebriates.

Warrant to  
require inebriate  
brought to  
hearing.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 145

## CHAPTER 227

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN REQUIRING THE REGISTRATION OF MOTOR VEHICLES AND REQUIRING THE PAYMENT OF FEES THEREON, ETC.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Subsection (c) of Section fifty-two of Chapter four hundred and seven of the Public Laws of one thousand nine hundred and thirty-seven be amended by striking out the period at the end of said subsection and inserting in lieu thereof a colon, and by adding the following: "Provided, further, that in addition to the motor vehicle licenses authorized to be issued pursuant to the provisions of this chapter, the department shall issue, upon application therefor, a license plate for

Ch. 407, Public  
Laws, 1937,  
amended as to  
registration of  
motor vehicles.

Issuance of  
"farmer"  
license plates.

Vehicles  
authorized to  
use such  
license plates.

Regulations for  
recall, transfer,  
cancellation, etc.

License fee.

"Farmer"  
defined.

"Farm products"  
defined.

Conflicting laws  
repealed.

Effective date.

trucks marked 'farmer', which shall be issued upon evidence satisfactory to the department that the applicant is a farmer and is actually engaged in the growing, raising and producing of farm products as an occupation. License plates issued under authority of this section shall be placed upon motor trucks engaged exclusively in the carrying or transportation of applicant's farm products, raised or produced on his farm, and farm supplies, and not engaged in hauling for hire: Provided further that the department shall issue necessary rules and regulations providing for the recall, transfer, exchange or cancellation of 'farmer' license plates issued hereunder when trucks bearing such shall be sold and/or transferred. Applicants for license plates herein authorized shall pay therefor at a rate equal to one half the present registration fee provided for trucks by this chapter; provided that the minimum rate for any vehicle licensed under this proviso shall be ten dollars (\$10.00): and provided, further, persons applying for 'farmer' license under the provisions of this Act shall not be entitled to the benefits of Section fifty-nine of said chapter. The term 'farmer' as used in this section means any person engaged in the raising, growing and producing of farm products on a farm not less than ten acres in area, and who does not engage in the business of buying farm products for resale; and the term 'farm products' means any food crop, cattle, hogs, poultry, dairy products and other agricultural products designed and to be used for food purposes."

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect beginning with license period of one thousand nine hundred and forty-two.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 164

## CHAPTER 228

### AN ACT TO PROMOTE THE SANITATION OF BUS STATIONS IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Inspection of  
bus stations by  
State Board  
of Health.

Filing report,  
with recom-  
mendations.

Action by N. C.  
Utilities  
Commission.

SECTION 1. The State Board of Health is hereby authorized and directed to inspect bus stations with reference to general sanitation thereof and upon inspection to file with the bus station manager, the North Carolina Utilities Commission, and any and all bus companies operating into the station a copy of the report of inspection, together with such recommendations as said State Board of Health may make.

SEC. 2. The North Carolina Utilities Commission, upon the receipt of any report of inspection as provided in Section one



hereof, is authorized and empowered to take such action with reference thereto as the public interest may require.

SEC. 3. If the North Carolina Utilities Commission shall propose any change with reference to the station inspected, it shall give notice to the bus companies affected of the time and place to be heard in connection therewith, and after hearing, the commission may make such order as in its discretion promotes the public interest.

Notice and hearing as to proposed changes.

Order.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 179

## CHAPTER 229

### AN ACT TO VALIDATE THE REGISTRATION OF CERTAIN DEEDS AND OTHER INSTRUMENTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in all cases prior to January first, one thousand nine hundred and forty-one, where it appears from the records in the office of the register of deeds of any county in this State that the execution of a deed of conveyance or other instrument by law required or authorized to be registered was duly acknowledged, as required by the laws of the State of North Carolina, and the clerk or deputy clerk of the Superior Court of such county has properly proved and adjudged that the certificate or certificates of the official before whom such acknowledgment was taken is in due form, except that the order for registration by said clerk was omitted, any and all such probates and registration are hereby validated, and the record of such deeds of conveyance, or other instruments authorized or required to be registered, may be read in evidence upon the trial or hearing of any cause with the same force and effect as if the same had been duly ordered registered.

Probates of certain deeds registered, with order of registration omitted, validated.

Record competent in evidence.

SEC. 2. This Act shall not effect any suits pending at the time of the ratification of the same.

Pending litigation not affected.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 182

CHAPTER 230

AN ACT TO AMEND CHAPTER EIGHTY-SEVEN OF THE  
CONSOLIDATED STATUTES OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

C. S., Ch. 87  
(Secs. 4999-5003),  
amended.

SECTION 1. That Chapter eighty-seven of the Consolidated Statutes of North Carolina, being Sections four thousand nine hundred and ninety-nine to five thousand and three, both inclusive, is hereby amended by adding at the end thereof a section to be known as five thousand and three (1) to read as follows:

Power of  
Insurance  
Commissioner  
to revoke  
licenses of  
jewelry  
auctioneers.

(A) The Insurance Commissioner of the State of North Carolina shall have power to revoke an auctioneer's license, upon the conviction of the auctioneer by any court of competent jurisdiction of the State of North Carolina of any of the offenses hereinafter set out, or upon a finding by the Insurance Commissioner that such auctioneer is guilty of any of the offenses hereinafter set out, to-wit: (1) fraud; (2) failing to account for or to remit any money or properties coming into his possession which belong to others; (3) forgery, embezzlement, obtaining money under false pretense, larceny, conspiracy to defraud, or like offense or offenses; (4) false representations as to the origin, genuineness, cost to seller, value, or other matters relating to the sale of any property then or thereafter to be offered for sale at auction; (5) conviction of any crime involving moral turpitude either in this State or any other state; (6) making any false statement in the application for license; (7) violating any of the provisions of the laws of this State relating to sales at auction. Provided that no license shall be revoked upon a finding by the Insurance Commissioner except by charges preferred. The accused shall be furnished a written copy of such charges and given not less than twenty days notice of the time and place when the Commissioner shall accord a full and fair hearing on the charges. From any action of the Insurance Commissioner depriving the accused of his license, the accused shall have the right of appeal to the Superior Court of the county of his residence, upon filing notice of appeal within ten days of the decision of the Insurance Commissioner. The trial in the Superior Court shall be heard de novo as in the case of an appeal from a justice of the peace.

Grounds for  
revocation.

Copy of charges  
furnished  
accused.

Notice and  
hearing.

Appeal.

Trial de novo,  
upon appeal.

Conditional  
provision for  
transfer of  
duties of  
Insurance  
Commissioner to  
another officer  
or agency.

SEC. 2. If any of the duties imposed in Chapter eighty-seven upon the Insurance Commissioner of the State of North Carolina shall by any statute be transferred to any other officer or agency of the State of North Carolina, then and in that event, whenever the words "Insurance Commissioner of the State of North Carolina" shall appear in Chapter eighty-seven prior to the transfer of duties or functions they shall be deemed to have been stricken out and the name of the officer or agency to which the duties or functions now specified in Chapter eighty-seven

are transferred shall be substituted therefor, and said Chapter eighty-seven shall be read to include such substitution, and there is hereby conferred full authority upon such officer or agency to enforce or to perform all of the duties and obligations now specified in Chapter eighty-seven.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 185

### CHAPTER 231

AN ACT TO AMEND SECTION TWENTY-TWO AND SECTION TWENTY-FIVE OF CHAPTER FOUR HUNDRED AND EIGHTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE RELATIVE TO GAME LAWS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section twenty-two of Chapter four hundred and eighty-six of the Public Laws of one thousand nine hundred and thirty-five is hereby amended by striking out beginning with the word "otherwise" in line nine the following words: "otherwise than by parcel post." Then following the comma after the word "without" in line fourteen striking out the following words: "otherwise than by parcel post." Then in line twenty-three following the comma striking out the following words: "except by parcel post,".

Sec. 22, Ch. 486, Public Laws, 1935, amended, as to unlawful transportation of certain wild animals, birds.

SEC. 2. That Section twenty-five of Chapter four hundred and eighty-six of the Public Laws of one thousand nine hundred and thirty-five as amended be amended by adding at the end thereof the following: "Any person who takes or attempts to take deer between sunset and sunrise with the aid of a spotlight or other artificial light on any highway or in any field, woodland, or forest, in violation of this Act shall upon conviction be fined not less than one hundred dollars (\$100.00) or imprisoned for not less than sixty (60) days or both such fine and imprisonment in the discretion of the court. Provided further, that any person taking or having in possession doe (female) deer in violation of this Act shall be fined not less than fifty dollars (\$50.00) or imprisoned not less than thirty (30) days or both such fine and imprisonment in the discretion of the court."

Sec. 25, amended.

Hunting deer during certain hours with aid of light, prohibited.

Punishment.

Punishment for taking or possessing doe deer in violation of Act.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 199

## CHAPTER 232

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AS AMENDED, RELATIVE TO THE AID TO DEPENDENT CHILDREN ACT.

*The General Assembly of North Carolina do enact:*

Ch. 288, Public  
Laws, 1937,  
amended.

SECTION 1. That Chapter two hundred and eighty-eight of the Public Laws of one thousand nine hundred and thirty-seven, as amended, be, and the same is hereby, amended as follows:

Sec. 6, amended  
as to eligibility  
for Old Age  
Assistance.

“(a) That Section six thereof, as amended by Section one of Chapter three hundred and ninety-five of the Public Laws of one thousand nine hundred and thirty-nine, be amended by striking out the period following the words ‘the same’ in the third line of subsection (f) thereof, as amended, substituting a colon therefor, and adding the following:

“Provided, that this requirement shall not render ineligible any resident of the State who has resided therein five years during the nine years immediately preceding the application for old age assistance, and has resided therein continuously for one year immediately preceding the application.

Sec. 15,  
amended.

“(b) That Section fifteen thereof, as amended by subsection (h) of Section one of Chapter three hundred and ninety-five of the Public Laws of one thousand nine hundred and thirty-nine, be amended by striking out the last sentence of said section and inserting in lieu thereof the following:

Regulation of  
custody, use, etc.  
of records.

“The State Board is hereby authorized and empowered to establish and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications relating to applicants and recipients. It shall be unlawful, except for purposes directly connected with the administration of old age assistance and in accordance with the rules and regulations of the State Board for any person or persons to solicit, disclose, receive, make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of, any list of or names of, or any information concerning, persons applying for or receiving old age assistance, directly or indirectly derived from the records, papers, files, or communications of the State Board or the County Welfare Board or acquired in the course of the performance of official duties.

Certain use of  
information, etc.  
made unlawful.



(c) That the first paragraph of Section twenty-three thereof be, and the same is hereby, stricken out.

Sec. 23, amended as to administration expenses.

(d) That Section thirty-five thereof be amended by inserting after the comma following the word 'aunt' in line five and before the words 'in a place' in said line, the following: 'adoptive father, adoptive mother, grandfather-in-law, great grandfather, grandmother-in-law, great-grandmother, brother of the half-blood, brother-in-law, adoptive brother, sister of the half-blood, sister-in-law, adoptive sister, uncle-in-law, aunt-in-law, great-uncle, and great-aunt.'

Sec. 35, amended as to definition of "dependent child."

"(e) That Section thirty-five thereof be further amended by inserting a comma following the word 'age' in line three of said section and adding the following: 'or under eighteen years of age if regularly attending school,'.

Sec. 35, amended further, as to definition of "dependent child."

(f) That Section thirty-six thereof be amended by striking out in line three of said section the words 'thirty-six' and inserting in lieu thereof the words 'thirty-five.'

Sec. 36, amended, correcting error of reference.

(g) That Section thirty-six thereof be further amended by inserting after the comma following the word 'aunt' in line five and before the words 'in whose' in said line, the following: 'adoptive father, adoptive mother, grandfather-in-law, great-grandfather, grandmother-in-law, great-grandmother, brother of the half-blood, brother-in-law, adoptive brother, sister of the half-blood, sister-in-law, adoptive sister, uncle-in-law, aunt-in-law, great-uncle, and great-aunt.'

Sec. 36, amended further, as to eligibility conditions for aid to dependent children.

(h) That Section thirty-seven thereof be amended by striking out the words 'two-thirds' in line fourteen and inserting in lieu thereof the words 'three-fourths,' and by striking out in line fifteen of said section the words 'one-third' and inserting in lieu thereof the words 'one-fourth.'

Sec. 37, amended, as to source of funds for aid for dependent children.

(i) That Section forty-five thereof be amended by adding a new paragraph at the end of said section to read as follows:

Sec. 45, amended.

"The State Board is hereby authorized and empowered to establish and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications relating to applicants and recipients. It shall be unlawful, except for purposes directly connected with the administration of aid to dependent children and in accordance with the rules and regulations of the State Board for any person or persons to solicit, disclose, receive, or make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of, any list of or names of, or any information concerning, persons applying for or receiving aid to dependent children, directly or indirectly derived from the records, papers, files, or communications of the State Board or the County Welfare Board or acquired in the course of the performance of official duties.

Regulation of custody, use, etc. of records.

Certain use of information, etc. made unlawful.



Sec. 52, amended,  
as to allotment  
of funds to  
counties.

(j) That Section fifty-two thereof be amended by striking out in line eleven the word 'twice' and inserting in lieu thereof the words 'three times.'

Sec. 53, amended,  
as to administra-  
tion expenses.

(k) That Section fifty-three thereof be amended by striking out the first paragraph; and further amend said section by striking out in line four of the second paragraph the words 'old age assistance' and inserting in lieu thereof the words 'aid to dependent children.' "

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. B. 204

## CHAPTER 233

### AN ACT TO VALIDATE CERTAIN ACTS OF NOTARIES PUBLIC IN THE STATE OF NORTH CAROLINA.

Preamble:  
Appointment of  
notaries not  
of age.

WHEREAS, The Governor of North Carolina has heretofore duly appointed certain persons as notaries public who are not yet twenty-one years of age; and

Performance of  
duties by such  
persons.

WHEREAS, said persons have performed certain duties as a notary public: Now, therefore,

*The General Assembly of North Carolina do enact:*

Acts of Notaries  
Public under age,  
validated.

SECTION 1. That all acts of notaries public for the State of North Carolina who were not yet twenty-one years of age at the time of the performance of such acts are hereby validated; and in every case where deeds or other instruments have been acknowledged before such notary public who was not yet twenty-one years of age at the time of taking of said acknowledgment, such acknowledgment taken before such notary public is hereby declared to be sufficient and valid; provided, this Act shall not affect vested rights or pending litigation.

Acknowledgments  
validated.

Conflicting laws  
repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after date of its adoption.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. B. 228

## CHAPTER 234

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, AS AMENDED, RELATIVE TO THE PRACTICE OF COSMETIC ART IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That subsection (c) of Section ten of Chapter one hundred and seventy-nine of the Public Laws of one thousand nine hundred and thirty-three be, and the same is hereby, amended by striking out in lines one and two of said subsection the words "four hundred and eighty hours" and inserting in lieu thereof, the words "one thousand hours."

Sec. 10, Ch. 179, Public Laws, 1933, amended, as to qualifications of apprentices under Cosmetic Art Act.

SEC. 2. That Section fifteen of Chapter one hundred and seventy-nine of the Public Laws of one thousand nine hundred and thirty-three, as amended by Chapter fifty-four of the Public Laws of one thousand nine hundred and thirty-five, be, and the same is hereby, amended by striking out the second and third paragraphs of said section and inserting in lieu thereof the following:

Sec. 15, amended.

"That said board shall appoint three inspectors, who shall be experienced in all branches of cosmetic art, at a salary not to exceed two hundred and twenty-five dollars (\$225.00) per month, this sum to cover salary and expenses incurred in the discharge of such duties as they may be called upon to perform, and shall have authority to employ attorneys such as, in their judgment, may be needed in the administration of this Act. The inspectors or agents so appointed shall perform such duties as may be prescribed by the board. Any inspector, appointed under authority of this section, or any member of the board shall have the authority at all reasonable hours to examine cosmetic art shops, beauty parlors, hairdressing establishments, cosmetic art schools, colleges, academies or training schools with respect to their compliance with the provisions of this Act. The inspectors and agents appointed under authority of this Act shall make such reports to the board as it may require. All amounts paid out under this section shall be only from funds derived from fees collected in the administration of this Act."

Inspectors under Cosmetic Art Act.

Compensation.

Attorneys.

Powers and duties of inspectors.

Reports.

Source of funds for expenses.

SEC. 3. That Section twenty of Chapter one hundred and seventy-nine of the Public Laws of one thousand nine hundred and thirty-three be, and the same is hereby, amended by adding a new subsection after Subsection (d), to be designated as Subsection (e), and to read as follows:

Sec. 20, amended.

"(e) All persons, however, who do not make application prior to January first, one thousand nine hundred and forty-two, shall be required to take the examination prescribed by the State

Examinations for license as cosmetologist.

Board of Cosmetic Art Examiners and otherwise comply with the provisions of this Act, as amended, before engaging in the practice of cosmetic art."

Sec. 26, amended,  
correcting error.

SEC. 4. That Subsection (f) of Section twenty-six of Chapter one hundred and seventy-nine of the Public Laws of one thousand nine hundred and thirty-three be, and the same is hereby, amended by striking out in line two of said subsection, the following words "three, four and six" and substituting in lieu thereof the following: "(c), (d), (f) and (g)."

Conflicting laws  
repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. B. 237

## CHAPTER 235

AN ACT TO AMEND SECTION FIVE THOUSAND TWO HUNDRED AND THIRTY-EIGHT OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, RELATING TO CREDIT UNIONS.

*The General Assembly of North Carolina do enact:*

C. S. 5238,  
amended, as to co-  
öperative credit  
unions.

SECTION 1. That Section five thousand two hundred and thirty-eight of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be further amended to read as follows:

"5238. Reports; Penalties; Fees.

Semi-annual re-  
ports to superin-  
tendent of credit  
unions.

"1. Every corporation organized under this sub-chapter shall, in January and in July of each year, make a report of condition to the superintendent of credit unions giving such information as he shall require, which reports shall be verified by oath of the treasurer and by oath of a majority of the supervisory committee, and shall make such other and further reports under like oath as the superintendent shall demand at any time.

Other reports.

Fees for  
certificates.

"2. Each credit union applying on or after July first, one thousand nine hundred forty-one, for a certificate to do business under the provisions of this sub-chapter shall, before receiving such certificate, pay into the office of the superintendent of credit unions a charter fee of five dollars (\$5.00).

Supervisory  
fees.

"3. Each credit union subject to supervision and examination by the superintendent of credit unions, including credit

unions in process of voluntary liquidation, shall pay into the office of the superintendent of credit unions supervisory fees as follows: (a) two dollars and fifty cents (\$2.50) for the first one thousand dollars (\$1,000.00) of assets and fifty cents (\$.50) for each additional thousand dollars (\$1,000.00) of assets, or fraction thereof, payable during the month of July each year on the basis of total assets as shown by its report of condition made to the superintendent of credit unions as of the previous June thirtieth, or the date most nearly approximating same of each year; and (b) two dollars and fifty cents (\$2.50) for the first one thousand dollars (\$1,000.00) of assets and fifty cents (\$.50) for each additional thousand dollars (\$1,000.00) of assets, or fraction thereof, payable during the month of January each year on the basis of total assets as shown by its report of condition made to the superintendent of credit unions as of the previous December thirty-first, or the date most nearly approximating same of each year: Provided, that no credit union shall be required to pay any supervisory fee until the expiration of twelve months from the date of the issuance of a certificate of incorporation to such credit union.

Computation basis.

No supervisory fee until 12 months from date of certificate.

"4. Any such corporation which neglects to make semi-annual reports as provided in paragraph 1 of this Section, or any of the other reports required by the superintendent of credit unions at the time fixed by the superintendent, shall forfeit to the superintendent of credit unions five dollars (\$5.00) for each day such neglect continues; and, furthermore, the superintendent of credit unions shall have authority, in his discretion, to revoke the certificate of incorporation and take possession of the assets and business of any corporation failing to pay the fees required in this Section after serving notice of at least fifteen (15) days upon such corporation of his intention so to do.

Penalties for failure to make reports.

"5. Moneys collected under this Section shall be deposited with the State Treasurer of North Carolina and expended, under the terms of the Executive Budget Act, to defray expenses incurred by the office of the superintendent of credit unions in carrying out its supervisory and auditing functions."

Custody and disbursement of funds.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. B. 238

## CHAPTER 236

AN ACT TO AMEND SECTION FIVE THOUSAND TWO HUNDRED AND FOURTEEN OF VOLUME TWO OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN RELATING TO CREDIT UNIONS.

*The General Assembly of North Carolina do enact:*

C. S. 5214, amended, as to use of terms "credit union" in name of credit union leagues, etc.

SECTION 1. That Section five thousand two hundred and fourteen of Volume two of the Consolidated Statutes of one thousand nine hundred and nineteen be, and the same is hereby, amended by striking out the period at the end of said Section and inserting in lieu thereof a colon, and by adding the following: "Provided, that the provisions of this section shall not apply to associations or credit union leagues, the membership of which is composed entirely of corporations formed under the provisions of this subchapter."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. B. 247

## CHAPTER 237

AN ACT TO DEFINE THE NAME "SCALE MECHANIC" AND TO PROVIDE FOR THEIR REGISTRATION.

*The General Assembly of North Carolina do enact:*

Purpose of Act.

SECTION 1. The purpose and intent of this Act shall be:

(a) To protect the owners and/or users of scales in this State against the practices of the unscrupulous, incompetent and fraudulent, "self-named" "Scale Mechanic."

(b) To provide honest, efficient and competent scale service.

(c) To protect the honest, efficient and competent "Scale Mechanic" in the practice of his profession.

Definition of "Scale Mechanic"

SEC. 2. Any person who is skilled in installing, adjusting, maintaining and repairing scales and/or weighing devices and who acts as such for hire or award and who is registered, shall be known as a "Scale Mechanic," provided, conditions as hereinafter stipulated are complied with; and provided further that the provisions of this Act shall not apply to an apprentice or helper when working with a registered "Scale Mechanic."

Act not applicable to certain apprentices or helpers.



SEC. 3. A "Scale Mechanic," as defined in Section two of this Act shall have the following prerequisites: Prerequisites for "Scale Mechanic."

- (a) A thorough working knowledge of scale mechanics. Knowledge.
- (b) Be endorsed by three reputable citizens of this State, not related to "Scale Mechanic" by blood or marriage, for whom said "Scale Mechanic" has rendered satisfactory scale repair service. Endorsements.
- (c) Shall furnish the State Superintendent of Weights and Measures satisfactory proof of his ability to comply with the provisions of this Act and any and all rules and/or regulations promulgated in accordance therewith. Proof of ability to comply with Act and regulations.
- (d) Shall apply for, and be registered as such, with the State Superintendent of Weights and Measures. Registration.

SEC. 4. In order to be registered a "Scale Mechanic" must: Requirements for registration.

- (a) Give satisfactory proof of prerequisites a, b and c as set forth in Section three hereof, to the State Superintendent of Weights and Measures.
- (b) Have sufficient tools and test weights or equipment as may be necessary to render satisfactory scale service and be able to test counter scales up to thirty pounds and platform scales up to twenty-five per cent of capacity.
- (c) Conform and/or comply with such rules and regulations as provided for by Section six of this Act.

SEC. 5. Upon compliance with the provisions of Section four of this Act, including furnishing the surety bond provided for in Section three, the State Superintendent of Weights and Measures is authorized to issue a certificate of registration to such "Scale Mechanic," which certificate shall be renewed annually and the State Superintendent of Weights and Measures shall have the power and authority to refuse to renew such certificate if it appears to his satisfaction that such "Scale Mechanic" has secured the original certificate of registration by false representation as to his ability or has failed to comply with the provisions of this Act and any and all rules and/or regulations promulgated in accordance therewith. Issuance of certificate of registration.  
Annual renewal.  
Renewal refused.  
Grounds.

SEC. 6. Such rules and regulations as are necessary to carry out the purpose and intent of this Act shall be made and published by the State Superintendent of Weights and Measures, by and with the advice of his advisory board. Rules and regulations.

SEC. 7. Any person who shall impersonate in any way a registered "Scale Mechanic" as herein provided for or violate any of the provisions or related rules or regulations of this Act, shall be guilty of misdemeanor and punished by a fine of Impersonation of registered "Scale Mechanic," and violation of rules, made misdemeanor.

not less than ten dollars and not more than five hundred dollars or by imprisonment not exceeding thirty days or by both such fine and imprisonment upon conviction in any court of competent jurisdiction.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this Act, are hereby repealed.

Effective date.

SEC. 9. This Act shall be in full force and effect on and after July first, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 250

CHAPTER 238

AN ACT TO PROVIDE THE FORM OF CERTIFICATE FOR THE ACKNOWLEDGMENT OF AN INSTRUMENT WHICH PURPORTS TO BE SIGNED BY A PERSON ACTING UNDER THE AUTHORITY GRANTED BY THE EXECUTION OF A POWER OF ATTORNEY TO SUCH PERSON.

*The General Assembly of North Carolina do enact:*

Form of certificate of acknowledgment of instrument executed by attorney in fact.

SECTION 1. When an instrument purports to be signed by parties acting through another by virtue of the execution of a power of attorney, the following form of certificate shall be deemed sufficient, but shall not exclude other forms which would be deemed sufficient in law:

“North Carolina, \_\_\_\_\_ County.

I (here give name of the official and his official title), do hereby certify that (here give name of attorney in fact), attorney in fact for (here give names of parties who executed the instrument through attorney in fact), personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of (here give names of parties who executed the instrument through attorney in fact), and that his authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the office of (here insert name of official in whose office power of attorney is recorded, and the County and State of recordation), on the (day of month, month, and year of recordation), and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney; that the said (here give name of attorney in fact) acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said (here give names of parties who executed the instrument through attorney in fact).

WITNESS my hand and official seal, this \_\_\_\_\_  
 day of \_\_\_\_\_, (year) \_\_\_\_\_,"  
 (Official Seal). \_\_\_\_\_  
 Signature of Officer

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 252

### CHAPTER 239

AN ACT TO FURTHER AMEND CHAPTER TWO HUNDRED AND FORTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AS AMENDED, RELATING TO BENEFITS TO CHILDREN OF WORLD WAR VETERANS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter two hundred and forty-two of the Public Laws of one thousand nine hundred and thirty-seven, as amended, be further amended by striking out the period at the end of said section and inserting in lieu thereof a colon, and by adding the following: "Provided, that all the benefits provided for in this Act shall also apply to any child whose father was a member of the armed forces of the United States of America during the aforesaid period and who is now living but due to illness contracted since July second, one thousand nine hundred and twenty-one, has been certified by the United States Veterans Administration as totally and permanently disabled but who draws no compensation from the United States Government other than his insurance and hospitalization benefits."

Ch. 242, Public Laws, 1937, amended as to children of World War veterans eligible for free educational advantages.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. B. 259

## CHAPTER 240

AN ACT TO AUTHORIZE THE ISSUANCE OF BONDS AND NOTES OF THE STATE FOR THE CONSTRUCTION OF A BUILDING AND IMPROVEMENTS AT NORTH CAROLINA STATE COLLEGE OF AGRICULTURE AND ENGINEERING.

Preamble:  
Need for new  
building at State  
College for  
A.A.A.

WHEREAS, it is now very necessary that a new building on the campus of North Carolina State College of Agriculture and Engineering of the Greater University of North Carolina, at Raleigh, be constructed in order to house and properly care for the offices of the Federal Agricultural Adjustment Administration; and

Construction cost.

WHEREAS, the cost of the construction of a suitable building will amount to approximately one hundred three thousand and five hundred dollars (\$103,500), thirteen thousand and five hundred dollars (\$13,500) of which is now available from other sources, and which may be used for this purpose; and

Funds partially  
available.

Present A.A.A.  
quarters unsat-  
isfactory; etc.

WHEREAS, at the present time the Agricultural Adjustment Administration is now occupying an old building at the said college, known as the old dining hall, and due to the physical condition of said building the Agricultural Adjustment Administration has refused to continue the lease of the same because of the health hazard involved, and is now negotiating for quarters in some other building, or at possibly some other place than the North Carolina State College; and

A.A.A. activities  
closely allied  
with State Col-  
lege Extension  
Service.

WHEREAS, the activities of the Agricultural Adjustment Administration are very closely allied with the activities of the North Carolina State College Extension Service, and it is very important that these two agencies be situated near each other in order that the purposes for which they were both organized may be more satisfactorily accomplished; and

Agreement by  
A.A.A. to occupy  
proposed build-  
ing at stated  
rental.

WHEREAS, the Agricultural Adjustment Administration agrees by letter to occupy the building to be constructed under the terms of this Act and to pay an annual rental of thirteen thousand nine hundred and twenty dollars for the same; and

Proposed build-  
ing adaptable for  
classroom or lab-  
oratory work.

WHEREAS, the building contemplated by this Act will be so constructed that in the event the Agricultural Adjustment Administration or such other Federal agency carrying on its activities ceases to exist, or should for any reason be removed from the North Carolina State College, the building would be adaptable to either classroom or laboratory work at the college: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That there is hereby appropriated the sum of ninety thousand dollars (\$90,000), to be used for the construction of the building referred to in the preamble to this Act at the North Carolina State College of Agriculture and Engineering of the Greater University of North Carolina.

Appropriation  
for construction  
of building at  
State College.

SEC. 2. That for the purpose of providing funds for the above appropriation for the construction of the building herein referred to, the State Treasurer is hereby authorized and directed, by and with the consent of the Governor and Council of State, to issue and sell at one time, or from time to time, ninety thousand dollars (\$90,000) bonds of the State.

Issuance and  
sale of bonds.

SEC. 3. Said bonds shall bear such date or dates and such rate or rates of interest, not exceeding four per cent per annum, payable semi-annually, and shall mature at such time or times, as may be fixed by the Governor and Council of State.

Interest rate,  
maturity dates,  
etc.

SEC. 4. Said bonds shall carry interest coupons which shall bear the signature of the State Treasurer, or a facsimile thereof, and said bonds shall be subject to registration and be signed and sealed as is now or may hereafter be provided by law for State Bonds, and the form and denomination thereof shall be such as the State Treasurer may determine in conformity with this Act.

Form, execution,  
and denom-  
ination.

SEC. 5. Subject to determination by the Governor and Council of State as to the manner in which said bonds shall be offered for sale, whether by publishing notices in certain newspapers and financial journals or by mailing notices or by inviting bids by correspondence or otherwise, the State Treasurer is authorized to sell said bonds at one time, or from time to time, at the best price obtainable, but in no case for less than par and accrued interest.

Sale of bonds.

SEC. 6. The proceeds of said bonds and of the bond anticipation notes herein authorized (except the proceeds of bonds, the issuance of which has been anticipated by such bond anticipation notes) shall be placed by the State Treasurer in a special fund, to be designated as the "1941 Fund for the Construction of an Additional Building at North Carolina State College of Agriculture and Engineering," and be disbursed only for the purpose provided in this Act upon warrants drawn by the State Auditor, which warrants shall not be drawn for this purpose until a requisition has been approved by the Director of the Budget, and which requisition shall be approved only after full compliance with the Executive Budget Act, Chapter one hundred of the Public Laws of one thousand nine hundred and twenty-nine. Any additional moneys which may be received by means of a grant or grants from the United States of America, or any agency or department thereof, to aid in financing the

Custody of  
bond proceeds.

Disbursement of  
funds.

Custody and  
disbursement of  
funds received  
from U. S. Gov-  
ernment.



cost of the construction of the building herein referred to may be placed by the State Treasurer in the same fund or in a separate fund, and, to the extent permitted by the terms of such grant or grants, shall be disbursed in the same manner and for the purposes mentioned in this Act.

Application for grants-in-aid from U. S. Government.

SEC. 7. That the North Carolina State College of Agriculture and Engineering of the Greater University of North Carolina is hereby fully authorized and empowered to make application or applications to any agency or agencies of the United States of America for grants in aid for the construction of the building mentioned in this Act, and receive and expend the same in accordance with the terms of such grant and in conformity with the laws of this State, and may employ architects, engineers, and make all necessary contracts in connection with the said project. The Governor, or such agency or person as may be designated by him, is fully authorized and empowered to make application to and receive such grants in aid as may be made by any agency or agencies of the United States of America for the construction of the building referred to in this Act.

College authorized to receive and expend such grants.

Governor authorized to apply for and receive grants.

Issuance of notes authorized.

SEC. 8. By and with the consent of the Governor and Council of State, who shall determine the rate or maximum rate of interest and the date or approximate date of payment, the State Treasurer is hereby authorized to borrow money at the lowest rate of interest obtainable, and to execute and issue notes of the State for the same, but only in the following circumstances and under the following conditions:

Purposes:

Anticipation of sale of bonds.

(a) For anticipating the sale of any of said bonds to the issuance of which the Governor and Council of State shall have given consent, if the Treasurer shall deem it advisable to postpone the issuance of such bonds.

Payment of principal or interest of outstanding bonds.

(b) For the payment of interest upon or principal of any of said bonds then outstanding, if there shall not be sufficient funds in the State Treasury with which to pay such interest or principal as they respectively fall due.

Renewal of loan.

(c) For the renewal of any loan evidenced by notes herein authorized.

Payment of bond sale anticipation notes.

SEC. 9. Notes issued in anticipation of the sale of said bonds shall be paid with funds derived from the sale of the bonds unless otherwise provided for by the General Assembly, and notes issued for the payment of interest or principal shall be paid from funds provided by the General Assembly for the payment of such interest or principal when such funds are collected. Interest payments upon said notes may be evidenced by interest coupons in the Treasurer's discretion.

Payment of notes for principal or interest of bonds.

SEC. 10. The full faith, credit and taxing power of the State are hereby pledged for the payment of the principal and interest of the bonds and notes herein authorized.

Full faith, credit, and taxing power of State pledged.

SEC. 11. The coupons of said bonds and notes after maturity shall be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the State of any kind whatsoever.

Coupons receivable in payment of obligations to State.

SEC. 12. All of said bonds and notes and coupons shall be exempt from all State, county and municipal taxation or assessments, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, and the interest on said bonds and notes shall not be subject to taxation, as for income, nor the said bonds or notes or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company, or other corporation.

Tax exemption.

SEC. 13. That the annual net rental of thirteen thousand nine hundred and twenty dollars (\$13,920) which the North Carolina State College of Agriculture and Engineering now receives and will receive from the Agriculture Adjustment Administration as rental on buildings at the College shall be paid into the State Treasury, and shall be applied to the liquidation and payment of the bonds herein provided for.

Application of net rental from building to liquidation of bonds.

SEC. 14. It shall be lawful for all executors, administrators, guardians and fiduciaries generally, and all sinking fund commissioners, to invest any moneys in their hands in said bonds and notes.

Investments in bonds by fiduciaries, etc., authorized.

SEC. 15. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 16. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. B. 267

## CHAPTER 241

AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINETY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-ONE, AS AMENDED, AND CHAPTER THREE HUNDRED AND SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, AS AMENDED, TO INCREASE THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE MORRISON TRAINING SCHOOL FROM EIGHT TO TEN.

*The General Assembly of North Carolina do enact:*

Ch. 190, Public Laws, 1921; Ch. 306, Public Laws, 1925; amended, increasing members of Board, Morrison Training School.

SECTION 1. That Chapter one hundred and ninety of the Public Laws of one thousand nine hundred and twenty-one, as amended by Chapter three hundred and six of the Public Laws of one thousand nine hundred and twenty-five, and Chapter three hundred and six of the Public Laws of one thousand nine hundred and twenty-five, as amended by Chapter sixty-three of the Public Laws of one thousand nine hundred and twenty-seven, insofar as they relate to the Morrison Training School, be further amended by increasing the membership of the Board of Trustees of the Morrison Training School from "eight" to "ten."

Terms of two additional trustees.

SEC. 2. That the term of office of the two additional trustees provided for in this Act shall begin at the time of their appointment by the Governor and shall be for a term of three years.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. B. 280

## CHAPTER 242

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY-FIVE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND ELEVEN, ENTITLED "AN ACT TO PREVENT FRAUD ON MERCHANTS."

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 185, Public Laws, 1911 (C. S. 4285), law to prevent fraud on merchants, amended.

SECTION 1. That Section one of Chapter one hundred and eighty-five, Public Laws of one thousand nine hundred and eleven, be, and the same is hereby amended by striking out the words "wearing apparel" in line three and in line eight of section one, and substituting in lieu thereof the word "merchandise."

SEC. 2. That Section one of Chapter one hundred and eighty-five, Public Laws of one thousand nine hundred and eleven, be, and the same is hereby further amended by striking out the period at the end of Section one and inserting a semicolon in lieu thereof and by adding the following:

Sec. 1, amended further.

“Provided this Act shall not apply to merchandise sold upon a written contract which is signed by the purchaser.”

Law not applicable to certain sales of merchandise.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 287

## CHAPTER 243

### AN ACT TO AMEND SECTION NINETEEN OF THE CONSOLIDATED STATUTES, RELATING TO THE BONDS OF PUBLIC ADMINISTRATORS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section nineteen of the Consolidated Statutes of one thousand nine hundred and nineteen be rewritten to read as follows:

C. S. 19, amended.

“19. The Public Administrator shall enter into bond, payable to the State of North Carolina, with two or more sufficient sureties to be justified before and approved by the Clerk, or with a duly authorized surety company, in the penal sum of four thousand dollars (\$4,000.00), conditioned upon the faithful performance of the duties of his office and obedience to all lawful orders of the Clerk or other court touching the administration of the several estates that may come into his hands and such bonds, if executed by individual sureties, shall be renewed every two years. Whenever the aggregate value of the personal property belonging to the several estates in the hands of the Public Administrator exceeds one-half of his bond, if the bond is signed by personal sureties, or three-fourths of his bond, if the bond shall be executed by a duly authorized surety company, the Clerk shall require him to enlarge his bond in an amount so as to cover at all times at least double the aggregate of the assets of the estates in the hands of said Public Administrator if the bond is signed by personal sureties or one and one-third times the assets if the bond shall be executed by a duly authorized surety company. If the personal property of any decedent is insufficient to pay his debts and the charges of administration and it becomes necessary for the said Public Administrator to apply for the sale of real estate for assets, upon the signing of a judgment ordering the said sale by the Clerk of the Superior Court, or any other court, the Clerk shall include the value of

Bond of Public Administrator.

Amount.

Condition.

Renewal.

Increase of amount of bond.

Value of real estate sold for assets included in aggregate valuations.

Increase of amount of bond in certain cases, when land sold for assets.

the real estate proposed to be sold in the aggregate value of the property belonging to the several estates in the hands of the Public Administrator. Whenever the aggregate value of the personal property and the real estate that the said Administrator has been authorized to sell exceeds one-half of his bond, if the bond is executed by personal surety, or three-fourths of his bond if the bond shall be executed by a duly authorized surety company, the Clerk shall require him to enlarge his bond as hereinbefore provided as though the aggregate consisted only of personal property."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. B. 183

## CHAPTER 244

### AN ACT TO REQUIRE PROPER TAGGING AND BRANDING OF SECONDHAND WATCHES.

*The General Assembly of North Carolina do enact:*

#### Definitions:

SECTION 1. Definitions: The following terms as used in this Article are hereby defined as follows:

#### "Person."

(a) "Person" means a person, firm, partnership or corporation, but shall not include a receiver, trustee in bankruptcy, trustee under a mortgage, deed of trust or contract securing any indebtedness, and executor or administrator while acting as such, or any person acting under an order of court or as a licensed pawnbroker.

#### "Consumer."

(b) "Consumer" means an individual, firm, partnership, association or corporation, who buys for their own use or for the use of another, but not for resale.

#### "Second-hand Watch."

(c) "Secondhand Watch" means a watch as a whole, or any part thereof, which has previously been sold to a consumer, or a watch whose case or movement, serial numbers or other distinguishing numbers or identification marks have been erased, defaced, removed, altered or covered, or a watch any part of which has been replaced by parts from another make or model watch.

Tags required on second-hand watches offered for sale.

SEC. 2. Tags Required: Any person, or agent or employee thereof, who sells a secondhand watch, as herein defined, shall affix and keep affixed to the same a tag with the words "second-hand" legibly written or printed thereon in the English language.



For the purpose of this subsection, "sell" includes an offer to sell or exchange, expose for sale or exchange, possess with intent to sell or exchange and to sell or exchange.

Definition of "Sell."

SEC. 3. Any person, or agent or employee thereof who sells a secondhand watch, shall deliver to the purchaser a written invoice or bill of sale, setting forth the name and address of the seller, the name and address of the purchaser, the date of the sale, and a full description of the secondhand watch so sold, with the serial numbers, if any, or other distinguishing numbers or identification marks on its case and movements. A duplicate of such invoice or bill of sale shall be kept on file by the vendor for at least one year from the date of such sale, and such duplicate shall be open to inspection during all business hours by any peace officer or by any person authorized by any such peace officer to make an investigation regarding same.

Written invoices delivered to purchasers.

Information required on invoices.

Duplicate invoices required on file.

Open to inspection.

SEC. 4. Advertisements: Any person advertising in any manner secondhand watches for sale shall state in such advertising that the watches so advertised are secondhand watches.

Advertisement of second-hand watches.

SEC. 5. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than fifty (\$50.00) dollars, or by imprisonment for not more than thirty (30) days, or both.

Violation of Act made misdemeanor.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 334

## CHAPTER 245

AN ACT TO VALIDATE THE APPOINTMENT OF AND CONVEYANCES TO CORPORATIONS AS TRUSTEES IN DEEDS OF TRUST, AND THEIR ACTIONS UNDER SUCH DEEDS OF TRUST.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in all deeds of trust heretofore made wherein property has been conveyed to corporations as trustees to secure indebtedness, the appointment of said corporations as trustees, the conveyances to said corporate trustees, and the action taken under the powers of such deeds of trust by said corporate trustees are hereby confirmed and validated to the same extent as if such corporate trustees had been individual trustees.

Validation of appointment of and conveyances to corporation as trustees.

Pending litigation  
not affected.

SEC. 2. Provided that nothing in this Act shall apply to or affect pending litigation, and by renumbering Sections two and three accordingly.

Conflicting laws  
repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. B. 144

## CHAPTER 246

AN ACT TO REPEAL CHAPTER FOUR HUNDRED AND FOURTEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN AS AMENDED BY CHAPTER THREE HUNDRED AND EIGHTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE PROVIDING A LICENSE OR PRIVILEGE TAX ON BUYERS OF SCRAP OR UNTIED TOBACCO.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 414,  
Public Laws,  
1937, amended, as  
to license tax on  
buyers and sellers  
of scrap tobacco.

SECTION 1. That Section one of Chapter four hundred and fourteen of the Public Laws of one thousand nine hundred and thirty-seven as amended by Section one of Chapter three hundred and eighty-nine of the Public Laws of one thousand nine hundred and thirty-nine, be further amended by striking out in line twelve the words and figures "two hundred and fifty dollars (\$250.00)" and inserting in lieu thereof the words and figures "five hundred dollars (\$500.00)."

Sec. 1, amended  
further, as to ap-  
plication of tax.

SEC. 2. That Section one of Chapter four hundred and fourteen of the Public Laws of one thousand nine hundred and thirty-seven as amended by Chapter three hundred and eighty-nine of the Public Laws of one thousand nine hundred and thirty-nine, be further amended by striking out the period at the end of said section and inserting in lieu thereof a colon and by adding the following: "Provided, that the tax herein levied shall not apply in cases where the producer delivers his scrap or untied tobacco to a tobacco warehouse or tobacco redrying plant.

Tax not appli-  
cable where pro-  
ducer delivers  
tobacco to ware-  
house, etc.

Conflicting laws  
repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 272

## CHAPTER 247

AN ACT TO AMEND THE WORLD WAR VETERANS LOAN ACTS AUTHORIZING THE INVESTMENT OF AVAILABLE FUNDS BY THE BOARD OF ADVISORS, WITH THE APPROVAL OF THE GOVERNOR AND COUNCIL OF STATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Advisors of the World War Veterans Loan Fund, created by Chapter one hundred and fifty-five of the Public Laws of one thousand nine hundred and twenty-five, by and with the advice and approval of the Governor and Council of State, is hereby authorized and empowered to invest any funds which are now held by the State Treasurer for the World War Veterans Loan Funds or which may be collected for said funds prior to the maturities of the State bonds issued under authority of the Act above mentioned and Chapter two hundred and ninety-eight of the Public Laws of one thousand nine hundred and twenty-nine, in any securities in which the State Sinking Fund Commission is authorized to invest sinking funds of the State of North Carolina as now provided by law, and loan or invest said money in such other securities or investments which in the opinion of the said board of advisors and the Governor and Council of State are considered safe investments for the said funds, reasonably calculated to produce income to aid in meeting the debt service requirements of the outstanding Veterans Loan bonds.

Investment of funds by Board of Advisors of World War Veterans Loan Fund.

Authorized securities.

SEC. 2. That all laws and and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 296

## CHAPTER 248

AN ACT TO AMEND SECTION FIVE OF CHAPTER ONE HUNDRED AND FIFTY-NINE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO THE ACKNOWLEDGMENT OF SIGNATURES IN CERTIFICATES SUPPORTING ABSENTEE BALLOTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section five of Chapter one hundred and fifty-nine Public Laws of one thousand nine hundred and thirty-nine be amended by adding at the end of the section the follow-

Ch. 159, Public Laws, 1939, amended as to acknowledgments of signatures for absentee ballots of men in army service.

ing words: "Provided that in the case of voters who are members of the armed forces of the United States the signature of the Commanding Officer, or any commissioned officer, of the voter, as witness to the execution of any certificate required by this or any other section of this Act to be under oath, shall have the force and effect of the jurat of an officer with a seal."

Conflicting laws  
repealed.

SEC. 2. All laws in conflict herewith are hereby expressly repealed.

SEC. 3. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

### S. B. 335

### CHAPTER 249

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE RELATING TO THE RECORDATION OF PLATS AND SUBDIVISIONS AND PROVIDING FOR THE RECORDING OF SAME.

*The General Assembly of North Carolina do enact:*

Ch. 219, Public  
Laws, 1935,  
amended, as to  
recording plats  
when surveyor  
making plat is  
dead; etc.

SECTION 1. Amend Section two of Chapter two hundred and nineteen of the Public Laws of one thousand nine hundred and thirty-five by striking out the period after the word "survey" in line seven and before the word "such" and inserting the following:

"or if the surveyor making such plat is dead, or where land has been sold and conveyed according to an unrecorded plat, upon the oath of a duly licensed surveyor that said map is in all respects correct and that the same was actually and fully checked and verified by him, giving the date on which the same was verified and checked."

Conflicting laws  
repealed.

SEC. 2. That all laws or clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 162

## CHAPTER 250

AN ACT TO EMPOWER MUNICIPALITIES AND OTHER POLITICAL SUBDIVISIONS OF THE STATE OF NORTH CAROLINA TO PROMULGATE, ADMINISTER, AND ENFORCE AIRPORT ZONING REGULATIONS LIMITING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF AIRPORTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Definitions. As used in this Act, unless the context otherwise requires: Definitions:

(1) "Airport" means any area of land or water designed for the landing and taking off of aircraft and utilized or to be utilized by the public as a point of arrival or departure by air. "Airport."

(2) "Airport hazard" means any overhead power line, not constructed, operated and maintained according to standard engineering practices in general use, which interferes with radio communication between a publicly owned airport and aircraft approaching or leaving same, or any structure or tree which obstructs the aerial approaches of such an airport or is otherwise hazardous to its use for landing or taking off. "Airport hazard."

(3) "Political subdivision" means any municipality, city, county, or town. "Political subdivision."

(4) "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof. "Person."

(5) "Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines. "Structure."

(6) "Tree" means any object of natural growth. "Tree."

SEC. 2. Airport Hazards Not in Public Interest. It is hereby found and declared that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein, and is therefore not in the interest of the public health, public safety, or general welfare. Airport hazards not in public interest.



Adoption of airport zoning regulations by political subdivisions.

### SEC. 3. Adoption of Airport Zoning Regulations.

(1) Every political subdivision may adopt, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations, which regulations shall divide the area surrounding any airport within the jurisdiction of said political subdivision into zones, and, within such zones, specify the land uses permitted, and regulate and restrict the height to which structures and trees may be erected or allowed to grow. In adopting or revising any such zoning regulations, the political subdivision shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain, the height of existing structures and trees above the level of the airport, the possibility of lowering or removing existing obstructions, and the views of the agency of the Federal government charged with the fostering of civil aeronautics, as to the aerial approaches necessary to safe flying operations at the airport.

Matters to be considered in adopting or revising regulations.

Incorporation of airport zoning regulations in general zoning regulations.

(2) In the event that a political subdivision has adopted, or hereafter adopts, a general zoning ordinance regulating, among other things, the height of buildings, any airport zoning regulations adopted for the same area or portion thereof under this Act, may be incorporated in and made a part of such general zoning regulations, and be administered and enforced in connection therewith, but such general zoning regulations shall not limit the effectiveness or scope of the regulations adopted under this Act.

Joint regulation by two or more local subdivisions.

(3) Any two or more political subdivisions may agree, by ordinance duly adopted, to create a joint board and delegate to said board the powers herein conferred to promulgate, administer and enforce airport zoning regulations to protect the aerial approaches of any airport located within the corporate limits of any one or more of said political subdivisions. Such joint boards shall have as members two representatives appointed by the chief executive officer of each political subdivision participating in the creation of said board and a chairman elected by a majority of the members so appointed.

Membership of joint boards.

Jurisdiction of local units extended beyond corporate limits.

(4) The jurisdiction of each political subdivision is hereby extended to the promulgation, administering and enforcement of airport zoning regulations to protect the approaches of any airport which is owned by said political subdivision but located outside the corporate limits of said political subdivision. In case of conflict with any airport zoning or other regulations promulgated by any other political subdivision, the regulations adopted pursuant to this section shall prevail.

Conflicts between local units.

Restriction as to regulations.

(5) All airport zoning regulations adopted under this Act shall be reasonable, and none shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or other-

wise interfere with the continuance of any nonconforming use, except as provided in Section four (1).

(6) Nothing herein contained shall be construed to prevent trees existing at the time any zoning regulations are adopted to continue their natural growth.

Construction of Act as to growing trees.

#### SEC. 4. Permits and Variances.

(1) Permits. Where advisable to facilitate the enforcement of zoning regulations adopted pursuant to this Act, a system may be established by any political subdivision for the granting of permits to establish or construct new structures and other uses and to replace existing structures and other uses or make substantial changes therein or substantial repairs thereof. In any event, before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations, authorizing such replacement, change or repair. No such permit shall be granted that would allow the structure or tree in question to be made higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted; and whenever the administrative agency determines that a nonconforming structure or tree has been abandoned or more than eighty per cent torn down, destroyed, deteriorated, or decayed: (a) no permit shall be granted that would allow said structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations; and (b) whether application is made for a permit under this paragraph or not, the said agency may by appropriate action compel the owner of the nonconforming structure or tree, at his own expense, to lower, remove, reconstruct, or equip such object as may be necessary to conform to the regulations or, if the owner of the nonconforming structure or tree shall neglect or refuse to comply with such order for ten days after notice thereof, the said agency may proceed to have the object so lowered, removed, reconstructed, or equipped. Except as indicated, all applications for permits for replacement, change or repair of nonconforming uses shall be granted.

Permits for new structures, replacements, repairs, etc.

Restriction as to granting permits

Removal, reconstruction, etc., of non-conforming tree or structure.

(2) Variances. Any person desiring to erect any structures, or increase the height of any structure, or permit the growth of any tree, or otherwise use his property, in violation of airport zoning regulations adopted under this Act, may apply to the Board of Appeals, as provided in Section five (3), for a variance from the zoning regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this Act.

Variances from zoning regulations.

Applications.

When variances allowed.

Obstruction  
marking and  
lighting.

(3) Obstruction Marking and Lighting. In granting any permit or variance under this section, the administrative agency or Board of Appeals may, if it deems such action advisable to effectuate the purposes of this Act and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the political subdivision, at its own expense, to install, operate, and maintain suitable obstruction markers and obstruction lights thereon.

Procedure for  
adoption of zon-  
ing regulations.

#### SEC. 5. Procedure.

(1) Adoption of Zoning Regulations. No airport zoning regulations shall be adopted, amended, or changed under this Act except by action of the legislative body of the political subdivision in question, or the joint board provided for in Section three (3), after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days' notice of the hearing shall be published in an official paper, or a paper of general circulation, in the political subdivision or subdivisions in which the airport is located.

Administration  
of zoning regula-  
tions.

(2) Administration of Zoning Regulations. Administrative Agency. The legislative body of any political subdivision adopting airport zoning regulations under this Act may delegate the duty of administering and enforcing such regulations to any administrative agency under its jurisdiction, or may create a new administrative agency to perform such duty, but such administrative agency shall not be or include any member of the Board of Appeals. The duties of such administrative agency shall include that of hearing and deciding all permits under Section four (1), but such agency shall not have or exercise any of the powers delegated to the Board of Appeals.

Administrative  
agency.

Duties.

Board of  
Appeals.

(3) Administration of Airport Zoning Regulations—Board of Appeals. Airport zoning regulations adopted under this Act shall provide for a Board of Appeals to have and exercise the following powers:

Powers:

Determination  
of appeals from  
administrative  
agency.

(a) To hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of this Act or of any ordinance adopted pursuant thereto;

Determination of  
special excep-  
tions.

(b) To hear and decide special exceptions to the terms of the ordinance upon which such board may be required to pass under such ordinance;

Determination of  
specific variances.

(c) To hear and decide specific variances under Section four (2). Where a zoning board of appeals or adjustment already exists, it may be appointed as the Board of Appeals. Otherwise, the Board of Appeals shall consist of five members, each

Membership of  
Board of Appeals

to be appointed for a term of three years and to be removable for cause by the appointing authority upon written charges and after public hearing.

Terms ; removal.

The board shall adopt rules in accordance with the provisions of any ordinance adopted under this Act. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the board and shall be a public record.

Adoption of rules.

Meetings.

Minutes of proceedings.

Appeals to the board may be taken by any person aggrieved, or by any officer, department, board, or bureau of the political subdivision affected, by any decision of the administrative agency. An appeal must be taken within a reasonable time, as provided by the rules of the board, by filing with the agency from which the appeal is taken and with the board, a notice of appeal specifying the grounds thereof. The agency from which the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

Persons entitled to appeal.

Method of taking appeal.

Record transmitted to Appeal Board.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the agency from which the appeal is taken certifies to the board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application on notice to the agency from which the appeal is taken and on due cause shown.

Stay of proceedings pending appeals.

The board shall fix a reasonable time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

Hearing upon appeal.

The board may, in conformity with the provisions of this Act, reverse or affirm, wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative agency from which the appeal is taken.

Decision of Appeal Board.



Majority vote  
sufficient for  
decision.

The concurring vote of a majority of the members of the board shall be sufficient to reverse any order, requirement, decision, or determination of the administrative agency, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

Judicial review.

#### SEC. 6. Judicial Review.

Petition to  
Superior Court.

(1) Any person aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board, or bureau of the political subdivision, may present to the Superior Court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the decision is filed in the office of the board.

Writ of cer-  
tiorari.

(2) Upon presentation of such petition the court may allow a writ of certiorari directed to the Board of Appeals to review such decision of the board. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

Certified copies  
of preliminary  
record.

(3) The Board of Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

Jurisdiction of  
Superior Court.

(4) The court shall have exclusive jurisdiction to affirm, modify, or set aside the decision brought up for review, in whole or in part, and if need be, to order further proceedings by the Board of Appeals. The findings of fact by the board, if supported by substantial evidence, shall be accepted by the court as conclusive, and no objection to a decision of the board shall be considered by the court unless such objection shall have been urged before the board, or, if it was not so urged, unless there were reasonable grounds for failure to do so.

Effect of  
Board's findings.

Costs against  
Board of Appeals.

(5) Costs shall not be allowed against the Board of Appeals unless it appears to the court that it acted with gross negligence, in bad faith, or with malice, in making the decision appealed from.

Enforcement and  
remedies.

SEC. 7. Enforcement and Remedies. Each violation of this Act or of any regulations, order, or ruling promulgated or made pursuant to this Act, shall constitute a misdemeanor and shall be punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than thirty days or by both such fine and imprisonment, and each day a violation con-



tinues to exist shall constitute a separate offense. In addition, the political subdivision within which the property is located may institute in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of this Act, or of airport zoning regulations adopted under this Act, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this Act and of the regulations adopted and orders and rulings made pursuant thereto.

SEC. 8. Acquisition of Air Rights. In any case in which: Acquisition of  
air rights.  
(1) it is desired to remove, lower, or otherwise terminate a nonconforming use; or (2) the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this Act; or (3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the political subdivision within which the property or nonconforming use is located or the political subdivision owning the airport or served by it may acquire, in the manner provided by the law under which municipalities are authorized to acquire real property for public purposes, such an air right, easement, or other estate or interest in the property or nonconforming use in question as may be necessary to effectuate the purposes of this Act.

If any political subdivision, or if any board or administrative agency appointed or selected by a political subdivision, shall adopt, administer or enforce any airport zoning regulations which results in the taking of, or in any other injury or damage to any existing structure, such political subdivision shall be liable therefor in damages to the owner or owners of any such property and the liability of the political subdivision shall include any expense which the owners of such property are required to incur in complying with any such zoning regulations. Liability of po-  
litical subdivi-  
sions for dam-  
ages.

SEC. 9. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable. Partial invalidity  
section.

SEC. 10. Short Title. This Act shall be known and may be cited as the "Model Airport Zoning Act." Short title.

SEC. 11. Repeal. All Acts or parts of Acts which are inconsistent with the provisions of this Act are hereby repealed. Conflicting laws  
repealed.

Effective date.

SEC. 12. Time of Taking Effect. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 321

## CHAPTER 251

AN ACT TO PROVIDE FOR THE CREATION AND OPERATION OF LIMITED PARTNERSHIPS AND TO MAKE UNIFORM THE LAW WITH RELATION THERETO.

*The General Assembly of North Carolina do enact:*

Limited partnership defined.

SECTION 1. (Limited Partnership Defined.) A limited partnership is a partnership formed by two or more persons under the provisions of Section two, having as members one or more general partners and one or more limited partners. The limited partners as such shall not be bound by the obligations of the partnership.

Formation.

SEC. 2. (Formation.) (1) Two or more persons desiring to form a limited partnership shall

Contents of certificate.

(a) Sign and swear to a certificate, which shall state

Name.

I. The name of the partnership,

Nature of business.

II. The character of the business,

Location.

III. The location of the principal place of business,

Residence of members.

IV. The name and place of residence of each member; general and limited partners being respectively designated,

Term of existence.

V. The term for which the partnership is to exist,

Funds or property contributed.

VI. The amount of cash and a description of and the agreed value of the other property contributed by each limited partner,

Additional contributions.

VII. The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made,

Time of return of contributions to limited partners.

VIII. The time, if agreed upon, when the contribution of each limited partner is to be returned,

Share of profits.

IX. The share of the profits or the other compensation by way of income which each limited partner shall receive by reason of his contribution,

Substitution of assignee.

X. The right, if given, of a limited partner to substitute an assignee as contributor in his place, and the terms and conditions of the substitution,

- |       |   |  |
|-------|---|--|
| XI.   | The right, if given, of the partners to admit additional limited partners,  | Admission of additional partners.                                |
| XII.  | The right, if given, of one or more of the limited partners to priority over other limited partners, as to contributions or as to compensation by way of income, and the nature of such priority, | Priorities between limited partners.                             |
| XIII. | The right, if given, of the remaining general partner or partners to continue the business on the death, retirement or insanity of a general partner, and   | Continuance of business on death, etc., of general partner.      |
| XIV.  | The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution.  | Right of limited partner to property in return for contribution. |

(b) File for record the certificate in the office of the clerk of the Superior Court.

Filing of certificate with C. S. C.

(2) A limited partnership is formed if there has been substantial compliance in good faith with the requirements of paragraph (1).

Substantial compliance sufficient.

SEC. 3. (Business Which May Be Carried On.) A limited partnership may carry on any business which a partnership without limited partners may carry on.

Objects.

SEC. 4. (Character of Limited Partner's Contribution.) The contributions of a limited partner may be cash or other property, but not services.

Nature of limited contributions.

SEC. 5. (A Name Not To Contain Surname of Limited Partner; Exceptions.) (1) The surname of a limited partner shall not appear in the partnership name, unless

Regulation of use of limited partner's surname.

(a) It is also the surname of a general partner, or

(b) Prior to the time when the limited partner became such the business had been carried on under a name in which his surname appeared.

(2) A limited partner whose name appears in a partnership name contrary to the provisions of paragraph (1) is liable as a general partner to partnership creditors who extend credit to the partnership without actual knowledge that he is not a general partner.

SEC. 6. (Liability for False Statements in Certificate.) If the certificate contains a false statement, one who suffers loss by reliance on such statement may hold liable any party to the certificate who knew the statement to be false

Liability for false statements in certificate.

(a) At the time he signed the certificate, or

(b) Subsequently, but within a sufficient time before the statement was relied upon to enable him to cancel or amend the

certificate, or to file a petition for its cancellation or amendment as provided in Section twenty-five (3).

Liability of limited partners to creditors.

SEC. 7. (Limited Partner Not Liable to Creditors.) A limited partner shall not become liable as a general partner unless, in addition to the exercise of his rights and powers as a limited partner, he takes part in the control of the business.

Admission of additional limited partners.

SEC. 8. (Admission of Additional Limited Partners.) After the formation of a limited partnership, additional limited partners may be admitted upon filing an amendment to the original certificate in accordance with the requirements of Section twenty-five.

Rights, powers and liabilities of general partners.

SEC. 9. (Rights, Powers and Liabilities of a General Partner.) A general partner shall have all the rights and powers and be subject to all the restrictions and liabilities of a partner in a partnership without limited partners, except that without the written consent or ratification of the specific act by all the limited partners, a general partner or all of the general partners have no authority to

(a) Do any act in contravention of the certificate,

(b) Do any act which would make it impossible to carry on the ordinary business of the partnership,

(c) Confess a judgment against the partnership,

(d) Possess partnership property, or assign their rights in specific partnership property, for other than a partnership purpose,

(e) Admit a person as a general partner,

(f) Admit a person as a limited partner, unless the right so to do is given in the certificate,

(g) Continue the business with partnership property on the death, retirement or insanity of a general partner, unless the right so to do is given in the certificate.

Rights of limited partners.

SEC. 10. (Rights of a Limited Partner.) (1) A limited partner shall have the same rights as a general partner to

(a) Have the partnership books kept at the principal place of business of the partnership, and at all times to inspect and copy any of them,

(b) Have on demand true and full information of all things affecting the partnership, and a formal account of partnership affairs whenever circumstances render it just and reasonable, and

(c) Have dissolution and winding up by decree of court.

(2) A limited partner shall have the right to receive a share of the profits or other compensation by way of income, and to the return of his contribution as provided in Sections fifteen and sixteen.

SEC. 11. (Status of Person Erroneously Believing Himself a Limited Partner.) A person who has contributed to the capital of a business conducted by a person or partnership erroneously believing that he has become a limited partner in a limited partnership, is not, by reason of his exercise of the rights of a limited partner, a general partner with the person or in the partnership carrying on the business, or bound by the obligations of such person or partnership; provided that on ascertaining the mistake he promptly renounces his interest in the profits of the business, or other compensation by way of income.

Status of person erroneously believing himself a limited partner.

SEC. 12. (One Person both General and Limited Partner.) (1) A person may be a general partner and a limited partner in the same partnership at the same time.

Rights, powers and liabilities of person both general and limited partner.

(2) A person who is a general, and also at the same time a limited partner, shall have all the rights and powers and be subject to all restrictions of a general partner; except that, in respect to his contribution, he shall have the rights against the other members which he would have had if he were not also a general partner.

SEC. 13. (Loans and Other Business Transactions with Limited Partner.) (1) A limited partner also may loan money to and transact other business with the partnership, and, unless he is also a general partner, receive on account of resulting claims against the partnership, with general creditors, a pro rata share of the assets. No limited partner shall in respect to any such claim

Loans and other business transactions with limited partners.

(a) Receive or hold as collateral security any partnership property, or

Prohibited transactions.

(b) Receive from a general partner or the partnership any payment, conveyance, or release from liability, if at the time the assets of the partnership are not sufficient to discharge partnership liabilities to persons not claiming as general or limited partners.

(2) The receiving of collateral security, or a payment, conveyance, or release in violation of the provisions of paragraph (1) is a fraud on the creditors of the partnership.

Certain acts, as fraud on creditors.

SEC. 14. (Relation of Limited Partners Inter Se.) Where there are several limited partners the members may agree that one or more of the limited partners shall have a priority over other limited partners as to the return of their contributions,

Relation of limited partners to each other. Priorities.



Equal standing,  
in absence of  
contrary provi-  
sion.

as to their compensation by way of income, or as to any other matter. If such an agreement is made it shall be stated in the certificate, and in the absence of such a statement all the limited partners shall stand upon equal footing.

Compensation of  
limited partners.

SEC. 15. (Compensation of Limited Partner.) A limited partner may receive from the partnership the share of the profits or the compensation by way of income stipulated for in the certificate; provided, that after such payment is made, whether from the property of the partnership or that of a general partner, the partnership assets are in excess of all liabilities of the partnership except liabilities to limited partners on account of their contributions and to general partners.

Withdrawal or re-  
duction of contri-  
butions by limited  
partners.

SEC. 16. (Withdrawal or Reduction of Limited Partner's Contribution.) (1) A limited partner shall not receive from a general partner or out of partnership property any part of his contribution until

Conditions pre-  
requisite for  
withdrawal, etc.

(a) All liabilities of the partnership, except liabilities to general partners and to limited partners on account of their contributions, have been paid or there remains property of the partnership sufficient to pay them,

(b) The consent of all members if had, unless the return of the contribution may be rightfully demanded under the provisions of paragraph (2), and

(c) The certificate is cancelled or so amended as to set forth the withdrawal or reduction.

Return of con-  
tribution as mat-  
ter of right in  
certain instances.

(2) Subject to the provisions of paragraph (1) a limited partner may rightfully demand the return of his contribution

(a) On the dissolution of a partnership, or

(b) When the date specified in the certificate for its return has arrived, or

(c) After he has given six months' notice in writing to all other members, if no time is specified in the certificate either for the return of the contribution or for the dissolution of the partnership.

Right of limited  
partner to de-  
mand return in  
property other  
than cash.

(3) In the absence of any statement in the certificate to the contrary or the consent of all members, a limited partner, irrespective of the nature of his contribution, has only the right to demand and receive cash in return for his contribution.

Dissolution by  
limited partner.

(4) A limited partner may have the partnership dissolved and its affairs wound up when

(a) He rightfully but unsuccessfully demands the return of his contribution, or

(b) The other liabilities of the partnership have not been paid, or the partnership property is insufficient for their payment as required by paragraph (1a) and the limited partner would otherwise be entitled to the return of his contribution.

SEC. 17. (Liability of Limited Partner to Partnership.) (1) Liability of limited partner to partnership.  
A limited partner is liable to the partnership.

(a) For the difference between his contribution as actually made and that stated in the certificate as having been made, and

(b) For any unpaid contribution which he agreed in the certificate to make in the future at the time and on the condition stated in the certificate.

(2) A limited partner holds as trustee for the partnership Limited partner as trustee for firm, as to certain property or money.

(a) Specific property stated in the certificate as contributed by him, but which was not contributed or which has been wrongfully returned, and

(b) Money or other property wrongfully paid or conveyed to him on account of his contribution.

(3) The liabilities of a limited partner as set forth in this section can be waived or compromised only by the consent of all members; but a waiver or compromise shall not affect the right of a creditor of a partnership, who extended credit or whose claim arose after the filing and before a cancellation or amendment of the certificate, to enforce such liabilities. Waiver or compromise of liability.

(4) When a contributor has rightfully received the return in whole or in part of the capital of his contribution, he is nevertheless liable to the partnership for any sum, not in excess of such return with interest, necessary to discharge its liabilities to all creditors who extended credit or whose claims arose before such return. Liability of contributor for claims of certain creditors, after return.

SEC. 18. (Nature of Limited Partner's Interest in the Partnership.) A limited partner's interest in the partnership is personal property. Nature of interest of limited partner.

SEC. 19. (Assignment of Limited Partner's Interest.) (1) A limited partner's interest is assignable. Assignment of limited partner's interest.

(2) A substituted limited partner is a person admitted to all the rights of a limited partner who has died or has assigned his interest in a partnership. Substituted limited partner, defined.

(3) An assignee, who does not become a substituted limited partner, has no right to require any information or account of the partnership transactions or to inspect the partnership books; he is only entitled to receive the share of the profits or other compensation by way of income, or the return of his contribution, to which his assignor would otherwise be entitled. General rights of assignee.

Assignee's right to become substituted limited partner.

(4) An assignee shall have the right to become a substituted limited partner if all the members (except the assignor) consent thereto or if the assignor, being thereunto empowered by the certificate, gives the assignee that right.

Effective time of substitution.

(5) An assignee becomes a substituted limited partner when the certificate is approximately amended in accordance with Section twenty-five.

Rights, powers and liabilities of substituted limited partner.

(6) The substituted limited partner has all the rights and powers, and is subject to all the restrictions and liabilities of his assignor, except those liabilities of which he was ignorant at the time he became a limited partner and which could not be ascertained from the certificate.

Effect of substitution on assignor.

(7) The substitution of the assignee as a limited partner does not release the assignor from liability to the partnership under Sections six and seventeen.

Effect of retirement, death, etc., of general partner.

SEC. 20. (Effect of Retirement, Death or Insanity of a General Partner.) The retirement, death or insanity of a general partner dissolves the partnership, unless the business is continued by the remaining general partners

(a) Under a right so to do stated in the certificate, or

(b) With the consent of all members.

Effect of death of limited partner.

SEC. 21. (Death of Limited Partner.) (1) On the death of a limited partner his executor or administrator shall have all the rights of a limited partner for the purpose of settling his estate, and such power as the deceased had to constitute his assignee a substituted limited partner.

(2) The estate of a deceased limited partner shall be liable for all his liabilities as a limited partner.

Rights of creditors of limited partner.

SEC. 22. (Rights of Creditors of Limited Partner.) (1) On due application to a court of competent jurisdiction by any judgment creditor of a limited partner, the court may charge the interest of the indebted limited partner with payment of the unsatisfied amount of the judgment debt; and may appoint a receiver, and make all other orders, directions, and inquiries which the circumstances of the case may require.

(2) The interest may be redeemed with the separate property of any general partner, but may not be redeemed with partnership property.

(3) The remedies conferred by paragraph (1) shall not be deemed exclusive of others which may exist.

(4) Nothing in this Act shall be held to deprive a limited partner of his statutory exemption.

SEC. 23. (Distribution of Assets.) (1) In settling accounts after dissolution the liabilities of the partnership shall be entitled to payment in the following order: Order of distribution of assets, upon dissolution.

(a) Those to creditors, in the order of priority as provided by law, except those to limited partners on account of their contributions, and to general partners, Creditors.

(b) Those to limited partners in respect to their share of the profits and other compensation by way of income on their contributions, Limited partners: shares in profits.

(c) Those to limited partners in respect to the capital of their contributions, Limited partners: return of capital.

(d) Those to general partners other than for capital and profits, General partners: claims other than capital or profits.

(e) Those to general partners in respect to profits, General partners: shares in profits.

(f) Those to general partners in respect to capital. General partners: return of capital.

(2) Subject to any statement in the certificate or to subsequent agreement, limited partners share in the partnership assets in respect to their claims for capital, and in respect to their claims for profits or for compensation by way of income on their contributions respectively, in proportion to the respective amounts of such claims. Basis of sharing in distribution of profits and capital by limited partners.

SEC. 24. (When Certificate shall be Cancelled or Amended.) Cancellation of certificate.  
(1) The certificate shall be cancelled when the partnership is dissolved or all limited partners cease to be such.

(2) A certificate shall be amended when Grounds for amending certificate.

(a) There is a change in the name of the partnership or in the amount or character of the contribution of any limited partner,

(b) A person is substituted as a limited partner,

(c) An additional limited partner is admitted,

(d) A person is admitted as a general partner,

(e) A general partner retires, dies or becomes insane, and the business is continued under Section twenty,

(f) There is a change in the character of the business of the partnership,

(g) There is a false or erroneous statement in the certificate,

(h) There is a change in the time as stated in the certificate for the dissolution of the partnership or for the return of a contribution,

(i) A time is fixed for the dissolution of the partnership, or the return of a contribution, no time having been specified in the certificate, or

(j) The members desire to make a change in any other statement in the certificate in order that it shall accurately represent the agreement between them.

Requirements for  
amending cer-  
tificates.

SEC. 25. (Requirements for Amendment and for Cancellation of Certificate.) (1) The writing to amend a certificate shall

(a) Conform to the requirements of Section two (1a) as far as necessary to set forth clearly the change in the certificate which it is desired to make, and

(b) Be signed and sworn to by all members, and an amendment substituting a limited partner or adding a limited or general partner shall be signed also by the member to be substituted or added, and when a limited partner is to be substituted, the amendment shall also be signed by the assigning limited partner.

Requirements for  
cancelling.

(2) The writing to cancel a certificate shall be signed by all members.

Petition to Su-  
perior Court for  
relief.

(3) A person desiring the cancellation or amendment of a certificate, if any person designated in paragraphs (1) and (2) as a person who must execute the writing refuses to do so, may petition the Superior Court to direct a cancellation or amendment thereof.

Order of cancella-  
tion or amend-  
ment.

(4) If the court finds that the petitioner has a right to have the writing executed by a person who refuses to do so, it shall order the clerk of the Superior Court in the office where the certificate is recorded to record the cancellation or amendment of the certificate; and where the certificate is to be amended, the court shall also cause to be filed for record in said office a certified copy of its decree setting forth the amendment.

Copy of decree  
filed.

Time when  
amendment, etc.,  
becomes effective.

(5) A certificate is amended or cancelled when there is filed for record in the office of the clerk of the Superior Court where the certificate is recorded

(a) A writing in accordance with the provisions of paragraph (1), or (2) or

(b) A certified copy of the order of court in accordance with the provisions of paragraph (4).

Effect of amended  
certificate.

(6) After the certificate is duly amended in accordance with this section, the amended certificate shall thereafter be for all purposes the certificate provided for by this Act.

Parties to actions.

SEC. 26. (Parties to Actions.) A contributor, unless he is a general partner, is not a proper party to proceedings by or against a partnership, except where the object is to enforce a limited partner's right against or liability to the partnership.



SEC. 27. (Name of Act.) This Act may be cited as the Uniform Limited Partnership Act. Short title.

SEC. 28. (Rules of Construction.) (1) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this Act. Rules of construction.

(2) This Act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

(3) This Act shall not be so construed as to impair the obligations of any contract existing when the Act goes into effect, nor to affect any action on proceedings begun or right accrued before this Act takes effect.

SEC. 29. (Rules for Cases not Provided for in this Act.) In any case not provided for in this Act the rules of law and equity, including the law merchant, shall govern. Rules for cases not provided for in this Act.

SEC. 30. (Provisions for Existing Limited Partnerships.) (1) A limited partnership formed under any statute of this State prior to the adoption of this Act, may become a limited partnership under this Act by complying with the provisions of Section two; provided the certificate sets forth Provisions as to compliance by existing limited partnerships.

(a) The amount of the original contribution of each limited partner, and the time when the contribution was made, and

(b) That the property of the partnership exceeds the amount sufficient to discharge its liabilities to persons not claiming as general or limited partners by an amount greater than the sum of the contributions of its limited partners.

(2) A limited partnership formed under any statute of this State prior to the adoption of this Act, until or unless it becomes a limited partnership under this Act, shall continue to be governed by the provisions of existing law, except that such partnership shall not be renewed unless so provided in the original agreement. Continuance of existing limited partnerships.

SEC. 31. Except as affecting existing limited partnerships to the extent set forth in Section thirty of this Act, Article one of Chapter sixty-four (Section three thousand two hundred and fifty-eight through Section three thousand two hundred and seventy-six) of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, and all other laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. C. S. Ch. 64, Art. I, (Secs. 3258-3276), and other conflicting laws, repealed.

SEC. 32. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 514

## CHAPTER 252

## AN ACT TO TURN OVER CERTAIN RECORDS AND FUNDS OF THE STATE EMERGENCY RELIEF ADMINISTRATION TO THE NORTH CAROLINA HISTORICAL COMMISSION.

Preamble:  
Establishment by  
Congress of  
F.E.R.A. in all  
states.

WHEREAS, the United States Congress between one thousand nine hundred and thirty-two and one thousand nine hundred and thirty-five, under several acts, authorized the Federal Emergency Relief Administration to be set up in all the states and territories of the United States in order to alleviate the suffering and distress of the needy and unemployed people of the United States; and

Direct grants for  
relief from Fed-  
eral Government.

WHEREAS, the money for the Emergency Relief Administration was furnished by the Federal government as direct grants to the states of the United States; and

Important his-  
torical records  
accumulated by  
E.R.A.

WHEREAS, the activities of the Emergency Relief Administration, over a period of several years, developed into an organization of enormous proportions accumulating vast quantities of important historical records which deal with economic conditions throughout the State of North Carolina; and

Erection of build-  
ing for storage of  
records.

WHEREAS, the State of North Carolina on land at the State Fair grounds erected a building for the storage of these and similar records; and

Inclusion of funds  
for preservation  
of E.R.A. records  
in final grant.

WHEREAS, the final grant of Federal funds to the State of North Carolina for relief purposes included funds for liquidation of the Emergency Relief Administration and the preservation of its records; and

Balance remain-  
ing, E.R.A. funds,  
after liquidation.

WHEREAS, the liquidation having been completed except for final disposition of the records, there remains a balance of Emergency Relief Administration funds; and

Relief as to pres-  
ervation of rec-  
ords desired.

WHEREAS, the Liquidating Agency of the State Emergency Relief Administration wishes to be relieved of further responsibility of administering and preserving these state records; and

Records of  
E.R.A., property  
of State.

WHEREAS, the records of the Emergency Relief Administration are property of the State of North Carolina, and, under the Public Laws of North Carolina, shall be transferred to the custody of the North Carolina Historical Commission: Now, therefore,

*The General Assembly of North Carolina do enact:*

N.C. E.R.A. rec-  
ords placed in  
custody and con-  
trol of N. C. His-  
torical Commis-  
sion for purposes  
of classification,  
etc.

SECTION 1. That the Emergency Relief Administration records of North Carolina be turned over to the North Carolina Historical Commission to be arranged, classified, catalogued, preserved, administered, and made available for public investiga-

tions under the rules and regulations of the said Historical Commission in accordance with Chapter seven hundred and fourteen, Public Laws of North Carolina, one thousand nine hundred and seven; Chapter two hundred and sixty-five, Public Laws of North Carolina, one thousand nine hundred and thirty-five; and Chapter two hundred and forty-nine, Public Laws of North Carolina, one thousand nine hundred and thirty-nine.

SEC. 2. That for the purpose of carrying out the provisions of this Act the Governor and Council of State shall allot the remaining funds granted to the State of North Carolina for the Emergency Relief Administration or any such funds hereafter accruing from claims, collections or otherwise, to the North Carolina Historical Commission, to be used in classifying, administering, preserving and making available to the public the said records in accordance with the purpose of the funds. The said funds to be disbursed in accordance with and under the terms of the Executive Budget Act.

Allocation of E.R.A. funds for classification, preservation, etc. purposes.

Disbursement.

SEC. 3. That any balance remaining in the said funds after these records are arranged, classified, catalogued, and made available to the public by the North Carolina Historical Commission shall revert to the State Board of Charities and Public Welfare.

Reversion of balances to State Board of Charities and Public Welfare.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 634

## CHAPTER 253

### AN ACT FOR THE PRESERVATION AND CONSERVATION OF WILD PLANTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. No person, firm or corporation shall dig up, pull up or take from the land of another or from any public domain, the whole or any part of any trailing arbutus, American holly, white pine, red cedar, hemlock or other coniferous trees, or any flowering dogwood, any mountain laurel, any rhododendron, or any ground pine, or any Christmas greens, or any Judas tree, or any leucothea, or any azalea, without having in his possession a permit to dig up, pull up or take such plants, signed by the owner of such land, or by his duly authorized agent.

Pulling, taking, etc., of certain wild plants from land of another, without permission, prohibited.

Punishment for violations.

SEC. 2. Any person convicted of violating the provisions of this Act shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense.

Act not applicable to certain counties.

SEC. 3. That the provisions of this Act shall not apply to the counties of Avery, Cabarrus, Carteret, Catawba, Cherokee, Chowan, Cumberland, Currituck, Dare, Duplin, Durham, Edgecombe, Franklin, Gaston, Granville, Hertford, McDowell, Mitchell, Pamlico, Pender, Person, Richmond, Rockingham, Rowan, Swain and Warren.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 19

## CHAPTER 254

### AN ACT TO GRANT THE RIGHT OF EMINENT DOMAIN FOR THE ESTABLISHMENT OF UNION BUS STATIONS.

*The General Assembly of North Carolina do enact:*

C. S. 1706, amended, as to right of eminent domain for establishment of union bus stations.

SECTION 1. That Section one thousand seven hundred and six of Volume three of the Consolidated Statutes of North Carolina, as amended by Chapter one hundred and eight of the Public Laws of one thousand nine hundred and thirty-seven, and by Chapter two hundred and twenty-eight of the Public Laws of one thousand nine hundred and thirty-nine, be further amended by inserting at the end a new Subsection numbered eight, to read as follows:

"8. Franchised motor vehicle carriers or union bus station companies organized by authority of the Utilities Commissioner, for the purpose of constructing and operating union bus stations: Provided, that this section shall not apply to any city or town having a population of less than sixty thousand."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 193

## CHAPTER 255

AN ACT TO PROVIDE FOR THE REGISTRATION AND PROTECTION OF LABELS, TRADE-MARKS, TERMS, DESIGNS, DEVICES AND FORMS OF ADVERTISEMENTS OF ASSOCIATIONS AND UNIONS OF WORKING MEN, TO PREVENT THE UNAUTHORIZED USE THEREOF, AND FIXING PENALTIES FOR VIOLATIONS OF THIS ACT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three thousand nine hundred and seventy-one of the Consolidated Statutes of one thousand nine hundred and nineteen be amended by rewriting said section to read as follows:

C. S. 3971,  
amended.

"3971. It shall be lawful for any person to adopt for his protection and file for registry, as in this chapter provided, any label, trademark, term or design that has been used or is intended to be used for the purpose of designating, making known or distinguishing any goods, wares, merchandise or products of labor that have been or may be wholly or partly made, manufactured, produced, prepared, packed or put on sale by any such person, or to or upon which any work or labor has been applied or expended by any such person, or by any member of any corporation, or association or union of workingmen, that has adopted and filed for registry any such label, trademark, term or design, or announcing or indicating that the same have been made in whole or in part by any such person or corporation, or association or union of workingmen, or by any member thereof.

Adoption and filing of trademarks, labels, etc., for registration.

"The word 'person' as used in this article includes associations or unions of workingmen, whether incorporated or unincorporated. Any duly authorized officer or agent of any such association or union may act in its behalf in securing for the association or union the benefits and protection of this article."

Definition of  
"person."

SEC. 2. That Section three thousand nine hundred and seventy-three of the Consolidated Statutes of one thousand nine hundred and nineteen be amended by striking out the comma after the word "corporation" in the seventh line and inserting in said line after the word "corporation" and before the word "specifying" the following: "or association or union of workingmen,".

C. S. 3973,  
amended, as to  
who may file  
label, etc., for  
registration.

SEC. 3. That Section three thousand nine hundred and eighty of the Consolidated Statutes of one thousand nine hundred and nineteen be amended by striking out the period at the end of the section and inserting a colon in lieu thereof and adding the following:

C. S. 3980,  
amended, as to  
remedies for pro-  
tection of reg-  
istered labels, etc.



Limitation as to  
injunctive relief.

"Provided, however, no restraining order or injunction granted to any association or union of workmen to prevent violations of this article shall have the effect of impounding or preventing the free flow into the channels of commerce of any goods, wares, merchandise or products already manufactured or in the process of manufacture to which any label, trademark, term or design has been affixed at the time of the institution of the action in which the injunctive relief is sought, unless the owner or manufacturer of said goods, wares, merchandise or products has permitted the affixing of such label, trademark, term or design with the actual knowledge that it was being used or affixed in violation of the provisions of this article."

Conflicting laws  
repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 252

## CHAPTER 256

### AN ACT TO FACILITATE SERVICE OF PROCESS ON NON-RESIDENTS DOING BUSINESS IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

C. S. 483,  
amended.

SECTION 1. That Section four hundred and eighty-three of the Consolidated Statutes of North Carolina, as amended, be and the same hereby is further amended by adding a new subsection at the end thereof as follows:

Service of process  
on non-resident  
individuals doing  
business in State,  
by serving agent,  
etc., in State.

"5. Every non-resident individual who is engaged in business in this State and who conducts such business through an agent, employee, trustee, or other representative in this State, or who is a member of a partnership, firm, or unincorporated organization or association, or beneficiary or shareholder in a business trust doing business in this State, shall be subject to process in any action or proceeding in any court of competent jurisdiction in this State arising out of or connected with such business in this State, and such process may be served upon such agent, employee, trustee, or other representative or upon any person in this State receiving or collecting money with respect to such business, or upon any member of such partnership, firm, organization or association residing in this State or upon any person residing in this State who is authorized to act or contract for or collect or receive money on behalf of such partnership, firm, organization, association, or business trust with

respect to its business in this State. Within five days after such service the plaintiff or petitioner or his attorney shall send by registered mail to said non-resident individual at his last address, if known, a copy of the summons and a copy of the complaint or petition with a statement calling attention to the provisions hereof and of the expiration of the time to answer or demur. Such service shall bind such individual as fully and effectually as if it had been made upon him personally."

Notice by registered mail to non-resident.

Effect of such service of process.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 244

## CHAPTER 257

AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, AS AMENDED, RELATING TO THE PRACTICE OF GENERAL CONTRACTING.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section nine of Chapter three hundred and eighteen of the Public Laws of one thousand nine hundred and twenty-five, as amended by Section two of Chapter sixty-two of the Public Laws of one thousand nine hundred and thirty-one, as amended by Section three of Chapter four hundred and twenty-nine of the Public Laws of one thousand nine hundred and thirty-seven, be further amended and reenacted so as hereafter to read as follows:

Ch. 318, Public Laws, 1925, amended, as to practice of general contracting.

"SEC. 9. Anyone hereafter desiring to be licensed as a general contractor in this State shall make and file with the board, thirty days prior to any regular or special meeting thereof, a written application on such form as may then be by the board prescribed for examination by the board, which application shall be accompanied by the sum of sixty dollars (\$60.00) if the application is for an unlimited license, or forty dollars (\$40.00) if the application is for an intermediate license, or twenty dollars (\$20.00) if the application is for a limited license; the holder of an unlimited license shall be entitled to engage in the business of general contracting in North Carolina unlimited as to the value of any single project, the holder of an intermediate license shall be entitled to engage in the practice of General Contracting in North Carolina but shall not be entitled to engage therein with respect to any single project of a value in excess of

Written application for license.

Application fees.

Rights under unlimited license.

Rights under intermediate license.

Rights under  
limited license.

Prerequisites for  
taking examina-  
tion.

Restriction of  
right of Board to  
refuse examina-  
tion.

Conduct of exam-  
inations.

Issuance of  
certificates.

Classification of  
contractors.

Persons exam-  
ined.

three hundred thousand dollars (\$300,000.00), the holder of a limited license shall be entitled to engage in the practice of General Contracting in North Carolina but the holder shall not be entitled to engage therein with respect to any single project of a value in excess of seventy-five thousand dollars (\$75,000.00) and the license certificate shall be classified as hereinafter set forth. Before being entitled to an examination an applicant must show to the satisfaction of the board from the application and proofs furnished that the applicant is possessed of a good character and is otherwise qualified as to competency, ability and integrity, and that the applicant has not committed or done any act, which, if committed or done by any licensed contractor would be grounds under the provisions hereinafter set forth for the suspension or revocation of contractor's license, or that the applicant has not committed or done any act involving dishonesty, fraud, or deceit, or that the applicant has never been refused a license as a general contractor nor had such license revoked, either in this State or in another state, for reasons that should preclude the granting of the license applied for, and that the applicant has never been convicted of a felony: Provided, no applicant shall be refused the right to an examination without being given an opportunity upon such notice, as may be prescribed by the board, to appear before the board and produce evidence in support of his application.

"The board shall conduct an examination, either oral or written, of all applicants for license to ascertain the ability of the applicant to make a practical application of his knowledge of the profession of contracting, under the classification contained in the application, and to ascertain the qualifications of the applicant in reading plans and specifications, knowledge of estimating costs, construction, ethics and other similar matters pertaining to the contracting business and knowledge of the applicant as to the responsibilities of a contractor to the public and of the requirements of the laws of the State of North Carolina relating to contractors, construction and liens. If the results of the examination of applicant shall be satisfactory to the board, then the board shall issue to the applicant a certificate to engage as a general contractor in the State of North Carolina, as provided in said certificate, which may be limited into four classifications as the common use of the terms are known—that is, (1) Building Contractor; (2) Highway Contractor; (3) Public Utilities Contractor; and, (4) Specialty Contractor, which shall include those whose operations as such are the performance of construction work requiring special skill and involving the use of specialized building trades or crafts, but which shall not include any operations now or hereafter under the jurisdiction, for the issuance of license, by any board or commission pursuant to the laws of the State of North Carolina.

"If an applicant is an individual, examination may be taken by his personal appearance for examination, or by the appearance

for examination of one or more of his responsible managing employees, and if a co-partnership or corporation, or any other combination or organization, by the examination of one or more of the responsible managing officers or members of the personnel of the applicant, and if the person so examined shall cease to be connected with the applicant, then in such event the license shall remain in full force and effect for a period of thirty days thereafter, and then be cancelled, but the applicant shall then be entitled to a re-examination, all pursuant to the rules to be promulgated by the board; Provided, that the holder of such license shall not bid on or undertake any additional contracts from the time such examined employee shall cease to be connected with the applicant until said applicant's license is reinstated as provided in this Act.

Effect on license issued to applicant, when person taking examination leaves applicant's employment.

"Anyone failing to pass this examination may be re-examined at any regular meeting of the board without additional fee. Certificate of license shall expire on the first day of December following the issuance or renewal and shall become invalid on that day unless renewed, subject to the approval of the board. Renewals may be affected any time during the month of January without re-examination, by the payment of a fee to the secretary of the board of thirty dollars (\$30.00) for unlimited license, twenty dollars (\$20.00) for intermediate license and ten dollars (\$10.00) for limited license: Provided, the classification herein provided for shall not apply to contracts of the State Highway and Public Works Commission."

Re-examinations.

Renewal of licenses.

Fees.

Exemption.

SEC. 2. That Section eight of Chapter four hundred and twenty-nine of the Public Laws of one thousand nine hundred and thirty-seven is hereby repealed.

Sec. 8, Ch. 429, Public Laws, 1937, repealed.

SEC. 3. That Section five of Chapter sixty-two of the Public Laws of one thousand nine hundred and thirty-one is hereby repealed.

Sec. 5, Ch. 62, Public Laws, 1931, repealed.

SEC. 4. That Section four of Chapter three hundred and eighteen of the Public Laws of one thousand nine hundred and twenty-five is amended by adding at the end thereof the following:

Sec. 4, Ch. 318, Public Laws, 1925, amended.

"The secretary-treasurer need not be a member of the board, and the board is hereby authorized to employ a full time secretary-treasurer, whose salary shall not exceed thirty-six hundred dollars (\$3600.00) per annum, and such other assistants and make such other expenditures as may be necessary to the proper carrying out of the provisions of this Act."

Employment and salary of secretary-treasurer of licensing board.

Other assistants.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.



## H. B. 274

## CHAPTER 258

AN ACT TO AMEND CONSOLIDATED STATUTES FOUR THOUSAND THREE HUNDRED AND TEN OF VOLUME ONE, ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED BY CHAPTER SIXTY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, RELATING TO THE PUNISHMENT FOR NEGLIGENTLY SETTING FIRE TO WOODS AND FIELDS.

*The General Assembly of North Carolina do enact:*

C. S. 4310,  
amended.

SECTION 1. That Consolidated Statutes four thousand three hundred and ten of Volume one, one thousand nine hundred and nineteen, as amended by Chapter sixty-one of the Public Laws of one thousand nine hundred and twenty-five, be, and the same is hereby, amended to read as follows:

Punishment for  
wilfully or negli-  
gently setting fire  
to woods and  
fields.

Application  
of Act.

"4310. Wilfully or negligently setting fire to woods and fields. If any person, firm or corporation shall wilfully or negligently set on fire, or cause to be set on fire, any woods, lands or fields, whatsoever, every such offender, upon conviction, shall be fined or imprisoned in the discretion of the court. This section shall apply only in those counties under the protection of the State Forest Service in its work of forest fire control. It shall not apply in the case of a landowner firing, or causing to be fired, his own open, non-wooded lands, or fields in connection with farming or building operations at the time and in the manner now provided by law: Provided, he shall have confined the fire at his own expense to said open lands or fields."

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 315

## CHAPTER 259

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-TWO, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE BEING AN ACT ENTITLED AN ACT TO PREVENT RABIES IN THE STATE OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Ch. 122, Public  
Laws, 1935,  
amended.

SECTION 1. That Chapter one hundred and twenty-two, Public Laws of one thousand nine hundred and thirty-five be amended as follows:



SEC. 2. Amend Section two by adding after the word "that" in line one and before the word "it" the following: "in all counties where a campaign of vaccination is being conducted." Sec. 2, amended, as to annual vaccination of dogs against rabies.

SEC. 3. Amend Section three by striking out all of said section and inserting in lieu thereof the following: Sec. 3, amended.

"SEC. 3. That it shall be the duty of the county health officers of the several counties and in those counties where health officers are not employed, it shall be the duty of the Board of County Commissioners to appoint, subject to the approval and confirmation of the Commissioner of Agriculture of North Carolina, a sufficient number of rabies inspectors to carry out the provisions of this Act. In the appointment of rabies inspectors preference shall always be given to graduate licensed veterinarians and said veterinarians may be appointed to carry out the provisions of this Act in the entire county. No person shall be appointed as a rabies inspector unless such person is of good moral character and by training and experience can demonstrate the ability to perform the duties required under this Act."

Appointment of rabies inspectors.

Preference to veterinarians.

Qualifications of inspectors.

SEC. 4. Amend Section five by striking out the words "Department of Agriculture" in line one and inserting in lieu thereof the words "rabies inspector." Sec. 5, amended, as to publication of notice of date for vaccinations.

SEC. 5. Amend Section six by striking out the words "twenty-five" in line four and inserting in lieu thereof the words "fifty cents." Amend Section six further by striking out all of said section beginning at the word "said" in line six and inserting in lieu thereof the following: "at the time of vaccination the rabies inspector shall give to the owner or person in charge of each dog vaccinated a numbered metal tag together with a certificate. The certificate shall be issued in duplicate, the rabies inspector to retain a copy. The metal tag shall be worn by the dog at all times."

Sec. 6, amended, as to cost of vaccinations.

Tags and certificates.

SEC. 6. Amend Section seven by striking out the words "Department of Agriculture" in line one and substituting the words "rabies inspector." Sec. 7, amended, as to notice to sheriff of date for vaccinations.

SEC. 7. Amend Section nine by striking out all of said section and inserting in lieu thereof the following: Sec. 9, amended.

"SEC. 7. That the rabies inspector shall collect from the owner of each dog vaccinated as provided for in Section five, not more than seventy-five cents for each dog, the same to be credited on the dog tax when certificate of vaccination is presented to the sheriff or tax collector of said county. Any owner who fails to have his dog vaccinated at the time the rabies inspector is in the township in which the owner resides as provided in Section five, shall have said dog vaccinated in accordance with Section eight and shall pay the rabies inspector the addi-

Fee for vaccination.

Credited on dog tax.

Penalty for late vaccinations.

Charges in Edgecombe, Wilson and Nash Counties.

Tax credit.

Sec. 10, amended, as to fees for vaccination of young dogs.

Fees in Edgecombe, Wilson and Nash Counties.

Sec. 12, amended, as to declaration of quarantine against rabies.

Sec. 15, amended, as to confinement of suspected dogs.

Sec. 17, amended, requiring notice to Health Officer as to persons bitten.

Construction of Act.

Person and Union Counties, exempted.

Conflicting laws repealed.

tional sum of twenty-five cents to be retained by him for each dog treated: Provided, that in Edgecombe, Wilson and Nash Counties, there shall be charged only fifty cents for each dog treated on the days prescribed for such treatment in Section five of this Act, the same to be credited on the dog tax when certificate of such vaccination is presented to the sheriff or tax collector: Provided, further, that in cases where dogs are vaccinated in accordance with Section eight of this Act, the total charge for such treatment shall not exceed seventy-five cents, only fifty cents of which shall be credited on such dog tax."

SEC. 8. Amend Section ten by striking out the word "fifty" in line six and inserting in lieu thereof the word "seventy-five": Provided, that in Edgecombe, Wilson and Nash Counties the fee to be charged for such treatment under this section shall not exceed fifty cents.

SEC. 9. Amend Section twelve by striking out the words "Department of Agriculture" in line one and inserting in lieu thereof the words "County Health Officer."

SEC. 10. Amend Section fifteen by striking out the words "be at once confined" in line four and inserting in lieu thereof the following: "to confine said animal."

SEC. 11. Amend Section seventeen by striking out the words "Department of Agriculture" in line six and inserting in lieu thereof the words "County Health Officer."

SEC. 12. That nothing in this Act shall be construed as repealing Chapter one hundred and fifty-six, Public-Local Laws of one thousand nine hundred and thirty-seven, which is hereby continued in full force and effect.

SEC. 12½. That Person and Union Counties shall be exempted from the provisions of this Act.

SEC. 13. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 14. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 333

## CHAPTER 260

AN ACT TO AMEND SECTION NINE OF CHAPTER TWO HUNDRED AND NINETY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE RELATING TO ELECTRIC MEMBERSHIP CORPORATIONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section nine of Chapter two hundred and ninety-one of the Public Laws of one thousand nine hundred and thirty-five be, and the same is hereby, amended by striking out all of paragraph (a) and inserting in lieu thereof the following:

Ch. 291, Public Laws, 1935, amended, as to power of electric membership corporations to adopt and amend by-laws.

“(a) The power to adopt and amend by-laws for the management and regulation of the affairs of the corporation: Provided however, that the certificate of incorporation may reserve to the members of the corporation the power to amend the by-laws. The by-laws of a corporation may make provisions not inconsistent with law or its certificate of incorporation, regulating the admission, withdrawal, suspension or expulsion of members; the transfer of membership; the fees and dues of members and the termination of memberships on nonpayment of dues or otherwise; the number, times and manner of choosing, qualifications, terms of office, official designations, powers, duties, and compensations of its officers; defining a vacancy in the board or in any office and the manner of filling it; the number of members to constitute a quorum at meetings, the date of the annual meeting and the giving of notice thereof, and the holding of special meetings and the giving of notice thereof; the terms and conditions upon which the corporation is to render service to its members; the disposition of the revenues and receipts of the corporation; regular and special meetings of the board and the giving of notice thereof.”

Subject-matter.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 355

## CHAPTER 261

## AN ACT TO AMEND SECTION TWENTY-THREE OF ARTICLE FOUR OF THE CONSTITUTION OF NORTH CAROLINA, RELATING TO SOLICITORS.

*The General Assembly of North Carolina do enact:*

Proposed amendment to Sec. 23, Art. IV, N. C. Constitution.

SECTION 1. That Section twenty-three of Article four of the Constitution of North Carolina be, and the same hereby is, amended to read as follows:

Division of State into solicitorial districts.

"SEC. 23. The State shall be divided into twenty-one solicitorial districts, for each of which a solicitor shall be chosen by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State in all criminal actions in the Superior Courts, and advise the officers of justice in his district. But the General Assembly may reduce or increase the number of solicitorial districts, which need not correspond to, or be the same as, the judicial districts of the State."

Election and terms of solicitors.

Duties.

Reduction or increase of districts.

SEC. 2. That this amendment shall be submitted to the qualified voters in the State at the next general election, in the same way and manner, and under the same rules and regulations as provided in the laws governing general elections in this State.

Method of marking ballots.

SEC. 3. That the electors favoring the adoption of this amendment shall vote a ballot on which shall be written or printed the words "For Amendment Providing for Solicitorial Districts which need not be the same as the Judicial Districts of the State," and those opposed shall vote a ballot on which shall be written or printed the words "Against Amendment Providing for Solicitorial Districts which need not be the same as the Judicial Districts of the State."

Conduct of election.

SEC. 4. That the election upon this amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and, if a majority of the votes cast be in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll the same amendment so certified among the permanent records of his office, and the same shall be in force, and every part thereof, from and after the date of such certification.

Certification of amendment, upon favorable vote.

Enrollment of amendment.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 385

## CHAPTER 262

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND TWENTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATIVE TO THE RENTAL SYSTEM FOR TEXTBOOKS USED IN THE PUBLIC SCHOOLS OF THE STATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four of Chapter four hundred and twenty-two of the Public Laws of one thousand nine hundred and thirty-five be, and the same is hereby, amended by adding a new paragraph at the end thereof to read as follows:

Ch. 422, Public Laws, 1935, amended, as to transfer of surplus funds in State Textbook Rental Fund to General Fund.

"The Governor, with the approval of the Council of State, may, upon request and certification of the State Textbook Commission that surplus funds in the State Textbook Rental Fund herein provided for are not needed for the purchase of rental textbooks, transfer so much of said surplus to the general fund of the State to be used for the purchase of free textbooks as, in their judgment, may be necessary for the operation of the free textbook system now provided by law."

Use of funds transferred.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 2½. Provided that this Act shall not be in effect after January fifteenth, one thousand nine hundred and forty-three.

Expiration date of Act.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 397

## CHAPTER 263 -

AN ACT TO REGULATE AND SUPERVISE PUBLIC LIVESTOCK MARKETS AND DEALERS IN LIVESTOCK AND TO PREVENT THE SPREAD OF CONTAGIOUS AND INFECTIOUS DISEASES OF LIVESTOCK.

*The General Assembly of North Carolina do enact:*

SECTION 1. That any person, firm or corporation operating a public livestock market within the State of North Carolina shall be required to obtain from the Commissioner of Agriculture a permit authorizing the operation of such market. Application for a permit shall be made on forms furnished by the Commissioner of Agriculture and shall show full name and address of all persons having financial interest in the market, name of the officers, manager and person in charge, the name under which the market will operate, location, and facilities for holding and

Permits for public livestock markets.

Applications.

Contents.



Matters considered by Commissioner of Agriculture before granting permit.

Hearing.

Refusal or revocation of permits.

Bond required of operator.

Exception.

Exemptions as to permits and health requirements.

Marketing facilities prescribed.

Records of purchases and sales.

Health certificates required for cattle removed from public markets for nonslaughter purposes.

Tests for Bang's disease.

segregating animals, and such other information as the Commissioner of Agriculture may require. In considering such application, the Commissioner of Agriculture shall take into consideration the markets already in existence, the applicant's general reputation for fair dealing, the facilities for conducting a market and such other facts as he may have, and may, after proper hearing of the parties concerned, decline to issue a permit or may revoke a permit already issued if, in his judgment, it is for the best interest of the livestock industry.

SEC. 2. The Commissioner of Agriculture shall require the operator of said livestock market to furnish a bond acceptable to the Commissioner of Agriculture of two thousand dollars (\$2,000.00) to secure the performance of all obligations incident to the operation of the livestock market, including prompt payment of proceeds for purchase or sale of livestock: Provided, that said bond shall not be required by a livestock market association organized under a law which requires such association to be bonded or a market operating under the Federal Packers and Stockyards Act. A livestock market where horses and mules are sold exclusively, or a market that sells only finished livestock that are shipped for immediate slaughter, shall be exempt from the health requirements of this Act, as set forth in Sections four and five and shall not be required to secure a permit as provided for in Section one.

SEC. 3. All public livestock markets operating under this Act shall have proper facilities for handling livestock, which shall include proper pens for holding and segregating animals, properly protected from weather; an adequate water supply; satisfactory scales if animals are bought, sold, or exchanged by weight, said scales to be approved by the North Carolina Division of Weights and Measures; and such other equipment as the Commissioner of Agriculture may deem necessary for the proper operation of the market. The premises, including yards, pens, alleys, and chutes shall be cleaned and disinfected at least weekly in accordance with the regulations issued in accordance with this Act. Said market shall keep a complete permanent record showing from whom all animals are received and to whom sold, the weight, if purchased or sold by weight, the price paid and the price received, such record to be available to the Commissioner of Agriculture or his authorized representative.

SEC. 4. No cattle except those for immediate slaughter shall be removed from any public livestock market unless they are accompanied by a health certificate issued by a qualified veterinarian, said veterinarian to be approved by the Commissioner of Agriculture, showing that such animals are apparently healthy and come directly from a herd all of which animals in the herd have passed a negative test for Bang's disease within twelve months prior to the date of sale, or that said animal or animals have passed a satisfactory test for Bang's disease made within

thirty days prior to sale and such other tests and vaccinations as the Commissioner of Agriculture may require. Every such animal shall be identified by an approved numbered ear tag and description. A copy of said certificate shall be kept on file by the market. No test for Bang's disease shall be required on steers and all cattle less than six months of age, but such animals shall be subject to all other provisions of this Act. All cattle removed from any public livestock market for immediate slaughter shall be identified in an approved manner and the person removing same shall sign a form in duplicate showing number of cattle, their description, where same are to be slaughtered or resold for slaughter within ten days, said animals to be accompanied by bill of sale properly endorsed, or if used for other purposes, said animals must meet the health requirements of this section, and such other information as may be required.

Identification tag.

Exemptions from test.

Identification of cattle removed for immediate slaughter.

Information form.

Bill of sale.

SEC. 5. No swine, except those for immediate slaughter, shall be removed from any public livestock market unless they are accompanied by a health certificate issued by a qualified veterinarian, said veterinarian to be approved by the Commissioner of Agriculture, showing that such animals are apparently healthy and that they have received a proper dose of anti-hog cholera serum not more than twenty-one days or a proper dose of serum and virus not less than thirty days prior to the date of sale, and such other vaccinations as may be required by the Commissioner of Agriculture. All such swine shall be identified by an approved, numbered ear tag and descriptions which shall be entered on the health certificate. A copy of said certificate shall be kept on file by the market. All swine removed from any public livestock market for immediate slaughter shall be identified by a distinguishing paint mark or by other methods approved by the Commissioner of Agriculture and the person removing same shall sign a form in duplicate showing number of hogs, their description, where same are to be slaughtered or resold for slaughter within ten days, said animals to be accompanied by bill of sale properly endorsed, or if used for other purposes, said animals must meet the health requirements of this section, and such other information as may be required.

Health certificates for swine removed for nonslaughter purposes.

Identification tags.

Identification of swine removed for immediate slaughter.

Information form.

Bill of sale.

SEC. 6. Any person or persons who shall remove from a livestock market any cattle, swine, or other livestock for immediate slaughter shall use them for immediate slaughter only or resale for slaughter within ten days, said animals to be accompanied by bill of sale properly endorsed, or if used for other purposes, said animals must meet the health requirements of this Act. The owner of said animals shall be charged with the responsibility of having said animals slaughtered or made to comply with the health provisions of this Act and shall be liable for all damages resulting from diverting them to other uses or failing to have them slaughtered, in addition to the criminal liability imposed in this Act.

Regulation of use of livestock removed from market.

Liability for diverting use for which cattle removed.

Regulation of admission of animals to market.

Quarantine of diseased animals.

Sale of diseased cattle prohibited.

Exceptions.

Liability for cost of quarantine, etc.

Regulation of trucks, etc. used in transporting livestock.

Private sales of animals by farmers exempt from Act.

Exception.

Application of Act.

Regulation of transportation of diseased livestock.

Burden of proving health, on vendor.

Liability for sale, etc. of diseased animals.

Fees for permits.

SEC. 7. No animal known to be affected with a contagious or infectious disease shall be received or admitted into any public livestock market except upon special permit issued by the Commissioner of Agriculture or his authorized representative. All animals affected with or exposed to any contagious or infectious disease of animals or any animal that reacts to a test indicating the presence of such a disease, shall be quarantined separate and apart from healthy animals and shall not be sold, traded, or otherwise disposed of except upon permission of the Commissioner of Agriculture or his authorized representative, and for immediate slaughter only. The owner of the animals shall be responsible for the cost of maintaining the quarantine, the necessary treatment, and the feed and care of the animals while under quarantine and said cost shall constitute a lien against all of said animals. All trucks, trailers, and other conveyances used in transporting livestock shall be cleaned and disinfected in accordance with the regulations issued by authority of this Act.

SEC. 8. The private sale of any animal or animals by a farmer on the farm shall not be subject to the provisions of this Act except that no person or persons shall sell, trade, or otherwise dispose of any animal or animals affected with a contagious or infectious disease or that the owner or person in charge has reason to believe are so affected, except upon permission of the Commissioner of Agriculture or his authorized representative, and for immediate slaughter only. The provisions of this Act shall apply to all animals sold on any public highway, right of way, street, or other public place, and no animal affected with a contagious or infectious disease shall be offered for sale, sold, traded, or otherwise disposed of on any public highway, right of way, street, or other public place, except upon permission of the Commissioner of Agriculture or his authorized representative and for immediate slaughter only.

SEC. 9. No cattle, swine, or other livestock affected with a contagious or infectious disease shall be transported or otherwise moved on any public highway or street in this State except upon written permission of the Commissioner of Agriculture or his authorized representative for immediate slaughter only to a designated slaughter point. The burden of proof to establish the health of any animal transported on the public highways of this State, sold, traded, or otherwise disposed of in any public place shall be upon the vendor. Any person who shall sell, trade, or otherwise dispose of any animal affected with a contagious or infectious disease knowingly, or who has reasons to believe that the animal is so affected, shall be liable for all damages resulting from such sale or trade.

SEC. 10. The Commissioner of Agriculture is hereby authorized to collect a fee of twenty-five dollars (\$25.00) for each permit issued to a public livestock market under the provisions of

this Act. The fees provided for in this Act shall be used exclusively for the enforcement of this Act. All permits issued under the provisions of this Act shall be effective until the following July first unless cancelled for cause. The cost of all tests, serums, vaccine, and other medical supplies necessary for the enforcement of this Act and the protection of livestock against contagious and infectious diseases shall be paid for by the owner of said livestock and said cost shall constitute a lien against all of said animals.

Use of fees.

Term of permits.

Cost of tests, serums, etc.

SEC. 11. The Commissioner of Agriculture, by and with the consent of the State Board of Agriculture, shall have full power to promulgate and enforce such rules and regulations that may hereafter be necessary to carry out the provisions of this Act.

Rules and regulations.

SEC. 12. Any person, firm, or corporation who shall knowingly violate any provisions set forth in this Act or any rule or regulation duly established by the State Board of Agriculture, or any officer or inspector who shall wilfully fail to comply with any provision of this Act shall be guilty of a misdemeanor. A market operating under this Act shall not be responsible for the health or death of an animal sold through such market if the provisions of this Act have been complied with.

Violation of Act made misdemeanor.

Responsibility of market for health, etc., of animals.

SEC. 12½. That the health provisions of this Act shall not apply to no-sale cattle offered for sale by a bona fide farmer owning said stock for at least sixty days at any public livestock auction market in North Carolina.

Exemption from health provisions.

SEC. 13. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 14. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-one.

Effective date.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.



H. B. 428

## CHAPTER 264

AN ACT TO AMEND SECTION NINE HUNDRED AND NINETY-SIX OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED BY CHAPTER THREE HUNDRED AND FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO THE REVOCATION OF VOLUNTARY DEEDS CONVEYING CONTINGENT INTERESTS TO PERSONS NOT IN ESSE OR NOT DETERMINABLE UNTIL THE HAPPENING OF A FUTURE EVENT.

*The General Assembly of North Carolina do enact:*

C. S. 996,  
amended, as to  
revocation of  
deeds of future  
interest to  
persons not  
in esse.

SECTION 1. That Section nine hundred and ninety-six of the Consolidated Statutes of North Carolina, as amended by Chapter three hundred and five of the Public Laws of one thousand nine hundred and twenty-nine, be and the same hereby is amended by striking out the colon after the word "effect" in line thirteen, and inserting a semicolon in lieu thereof, and by inserting between such semicolon and the word "provided" in line thirteen the following clause: "and the grantor of like interest for a valuable consideration may, with the joinder of the person from whom the consideration moved, revoke said interest in like manner:".

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Pending litigation  
not affected.

SEC. 2½. Nothing herein shall affect pending litigation.

SEC. 3. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 435

## CHAPTER 265

AN ACT TO AMEND CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, SECTION ONE THOUSAND FOUR HUNDRED AND THIRTY-SEVEN, CONFERRING CONCURRENT JURISDICTION ON THE SUPERIOR COURTS AND INFERIOR COURTS IN MISDEMEANOR CASES.

*The General Assembly of North Carolina do enact:*

C. S. 1437,  
amended.

SECTION 1. That Section one thousand four hundred and thirty-seven of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be, and the same hereby is, amended by rewriting said section so as to read as follows:



"In all cases in which by statute original jurisdiction of criminal actions has been, or may hereafter be, taken from the superior court and vested exclusively in courts of inferior jurisdiction, such exclusive jurisdiction is hereby divested, and jurisdiction of such actions shall be concurrent and exercised by the court first taking cognizance thereof. The provisions of this section shall remain in full force and effect, unless expressly repealed by some subsequent Act of the General Assembly, and shall not be repealed by implication or by general repealing clauses in any Act of the General Assembly conferring exclusive jurisdiction on inferior courts in misdemeanor cases which may be hereafter enacted. Appeal shall be, as heretofore, to the superior court from all judgments of such inferior courts: Provided, that this section shall not apply to the counties of Alleghany, Cabarrus, Caswell, Cherokee, Clay, Craven, Cumberland, Currituck, Dare, Davidson, Edgecombe, Gaston, Gates, Graham, Granville, Guilford, Halifax, Harnett, Henderson, Hertford, Hyde, Iredell, Jones, Lenoir, New Hanover, Pamlico, Perquimans, Rockingham, Rutherford, Scotland, Surry, Union and Warren."

Concurrent jurisdiction of Superior Courts and inferior courts in criminal cases.

Construction of Act.

Appeals.

Act not applicable to certain counties.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 459

## CHAPTER 266

AN ACT TO AMEND CHAPTER EIGHTY-ONE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, AS AMENDED, THE SAME BEING AN ACT TO PROVIDE FOR THE ISSUANCE OF BONDS AND NOTES OF COUNTIES, AND FOR PROPERTY TAXATION FOR THE PAYMENT THEREOF, WITH INTEREST.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section forty-three be and the same is hereby amended by inserting after the numerals "1927" at the end of line thirty-four, and before the word "but" at the beginning of line thirty-five, the following: "or from the State Literary Fund as provided in Article twenty-four of Chapter one hundred and thirty-six, Public Laws of one thousand nine hundred and twenty-three, as amended (being Article twenty-nine, Volume three of the Consolidated Statutes, as amended)."

Sec. 43, Ch. 81, Public Laws, 1927, amended, as to loans to county education boards from State Literary Fund.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after the date of ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 460

## CHAPTER 267

AN ACT TO AMEND AND SUPPLEMENT AN ACT TO PROVIDE FOR THE ADMINISTRATION AND OPERATION OF A UNIFORM SYSTEM OF PUBLIC SCHOOLS OF THE STATE FOR THE TERM OF EIGHT MONTHS WITHOUT THE LEVY OF AN AD VALOREM TAX THEREFOR, THE SAME BEING CHAPTER THREE HUNDRED AND FIFTY-EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE.

*The General Assembly of North Carolina do enact:*

Ch. 358, Public Laws, 1939 (School Machinery Act), amended and supplemented.

Sec. 7, amended, as to continuance of employment contracts with teachers and principals.

Notice of acceptance of employment for ensuing year.

Sec. 8, amended, as to allotment of teachers to local units.

SECTION 1. The purpose of this Act is to amend and supplement Chapter three hundred and fifty-eight, Public Laws of North Carolina, Session of one thousand nine hundred and thirty-nine.

SEC. 2. That Section seven be and the same is hereby amended by inserting the following between the words "shall be paid" and "Provided, further" in lines twenty-two and twenty-three, paragraph two: "Provided that such contract shall continue from year to year until said teacher or principal is notified as provided in Section twelve of this Act, as amended: Provided, further, that such teacher or principal shall give notice to the superintendent of schools of the administrative unit in which said teacher or principal is employed, within ten days after the close of school, of his or her acceptance of employment for the following year:"

SEC. 3. That Section eight be and the same is hereby amended by inserting the following words "or apparent increase in attendance due to the establishment of army camps or other national defense activities" between the words "epidemics" and "shall" in line seventeen, paragraph one; by inserting the word "initial" between the words "the" and "allotment" in line eighteen, paragraph one; and striking out the period after the word "teachers" in line eighteen and inserting in lieu thereof a colon and adding the following words: "Provided, further, that the superintendent of an administrative unit shall not be included in the number of teachers and principals allotted on the basis of average daily attendance."

SEC. 4. That Section twelve, paragraph three, be and the same is hereby amended by striking out the words "election or" between the words "her" and "rejection" in line four; by inserting the word "registered" between the words "by" and "letter" in line three, paragraph three; and by striking out the semicolon and the words "acceptance of employment to be made in writing within ten days after notification of election" after the words "State School Commission" in lines five and six.

Sec. 12, amended, as to notification of rejection of teachers and principals.

SEC. 5. That Section twelve be and the same is hereby amended by striking out the words "one thousand nine hundred thirty-nine and one thousand nine hundred forty" in line twenty-one, paragraph one, between the word "years" and the comma and inserting in lieu thereof the words "one thousand nine hundred forty-one and one thousand nine hundred forty-two"; and by inserting the words "in a particular administrative unit who was not employed by said unit during a current year" between the words "principal" and "shall" in lines one and two, paragraph two.

Sec. 12, amended further, as to suspension of summer school requirements.

Amended as to applications for employment.

SEC. 6. That Section thirteen be and the same is hereby amended by inserting the following words: "Provided, further, that where the schools of a district are under the control of the same district committee, the district principal shall have general supervision of all the schools in the district:" between the colon and the word "Provided" in line twelve.

Sec. 13, amended, as to supervision of schools by district principal.

SEC. 7. That Section fifteen be and the same is hereby amended by inserting the word "monthly" and a comma between the words "units" and "and" in line two, paragraph five; by striking out the words "distributed monthly by" in lines two and three paragraph five, and inserting in lieu thereof the words "it shall be the duty of"; and by striking out the word "each" in line three, paragraph five, and inserting in lieu thereof the following: "remit such funds monthly as collected to each administrative."

Sec. 15, amended, as to apportionment of current expense funds to local school units.

SEC. 8. That Section twenty be and the same is hereby amended by striking out the period in line six, paragraph two "County and District Funds" between the words "require" and "Upon" and inserting in lieu thereof a colon and adding the following words: "Provided, the countersigning officer shall countersign warrants drawn as herein specified when such warrants are within the funds set up to the credit of and are within the budget amounts appropriated for the particular administrative unit."

Sec. 20, amended, as to countersigning warrants for county and district funds.

SEC. 8½. That Section twenty-six be and the same is hereby amended by inserting the following in line seven after the word "thirty-nine": "It shall be the duty of the State School Commission to determine the rated capacity of each public school bus transporting children to or from school, and it shall be the duty of the local school authorities to see that no bus is loaded more than twenty-five per cent (25%) above its rated capacity.

Sec. 26, amended, as to duty of State School Commission as to capacity and loading of school busses.

The county board of education shall determine when busses are overcrowded as specified in this section."

Sec. 24, amended,  
as to Workmen's  
Compensation  
Coverage for  
bus drivers, etc.

SEC. 9. That Section twenty-four be and the same is hereby amended by striking out the period immediately following the word "therewith" at the end of the second paragraph of said section, and by inserting in lieu thereof a colon, and adding the following: "Provided, the School Commission, in its discretion, may affect Workmen's Compensation coverage for all employees paid from local funds; also may extend the provisions of Chapter two hundred forty-five, Public Laws of one thousand nine hundred thirty-five, to children being transported to and from school for the ninth month, or twelfth grade, or both."

Compensation for  
injury or death  
of children  
transported for  
ninth month  
or twelfth grade.

Sec. 26, amended,  
as to purchase  
of busses used as  
replacements.

SEC. 10. That Section twenty-six be and the same is hereby amended by striking out the words "thirty-eight, thirty-nine" in line fourteen before the period, and inserting in lieu thereof the words "forty, forty-one."

Sec. 25, amended,  
as to routing of  
school busses.

SEC. 10½. Amend Section twenty-five of the School Machinery Act of one thousand nine hundred and thirty-nine by changing the period after the word "education" in line ten to a comma and adding the following: "and with a view to the needs of the students to the end that the necessity of students waiting on the road for buses in inclement weather be eliminated."

SEC. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 464

## CHAPTER 268

AN ACT TO AMEND SECTION TWO HUNDRED AND TWENTY (k) OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, BEING THE BANKING LAWS AND BEING THE SECTION ENTITLED "COMMERCIAL AND BUSINESS PAPER DEFINED."

*The General Assembly of North Carolina do enact:*

C. S. 220 (k),  
amended, as to  
definition of  
"commercial and  
business paper."

SECTION 1. That Section two hundred and twenty (k), Consolidated Statutes of North Carolina, being the banking law and being the section entitled "Commercial and Business Paper Defined," be, and the same is hereby amended by striking out the last sentence thereof reading as follows: "Such notes, drafts and bills of exchange shall have a maturity at the time of discount of not more than nine days, except when drawn or issued for agricultural purposes, or based on livestock, when such maturities shall not exceed nine months from the date thereof, and must be actually owned by the person, firm or corporation negotiating the same."



SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 468

## CHAPTER 269

AN ACT TO AMEND SECTION TWENTY-FIVE, CHAPTER ONE HUNDRED AND NINETY-SEVEN, PUBLIC LAWS, ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, TO PROVIDE FOR THE APPLICATION OF THE LAW CONCERNING TRUSTS AND TRUSTEES AND THE ADMINISTRATION OF TRUSTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section twenty-five, Chapter one hundred and ninety-seven, Public Laws, one thousand nine hundred and thirty-nine be and the same hereby is amended by striking out, beginning in line three of said section, the following: "only to testamentary trusts created by wills or codicils executed after the effective date of the Act and to non-testamentary trusts created after the effective date of the Act.", and substituting therefor the following: "in the construction of and operation under (a) all agreements containing trust provisions entered into subsequent to the effective date hereof; (b) all wills made by testators who shall die subsequent to the effective date hereof; and (c) all other wills and trust agreements and trust relations in so far as such terms do not impair the obligation of contract or deprive persons of property without due process of law under the Constitution of the State of North Carolina or of the United States of America."

Ch. 197, Public Laws, 1939, amended, as to application of Uniform Trusts Act.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.



## H. B. 469

## CHAPTER 270

AN ACT TO AMEND CHAPTER EIGHTY-EIGHT OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, AND TO AMEND CHAPTER THREE HUNDRED AND NINETEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN AMENDING SAID CHAPTER, RELATING TO THE POWERS OF THE STATE BOARD OF CHARITIES AND PUBLIC WELFARE AND TO THE MEMBERSHIP, APPOINTMENT, AND DUTIES OF COUNTY WELFARE BOARDS AND COUNTY SUPERINTENDENTS OF PUBLIC WELFARE.

*The General Assembly of North Carolina do enact:*

C. S. 5006,  
amended as  
to powers and  
duties of Board  
of Charities, etc.

SECTION 1. Section five thousand and six of Chapter eighty-eight of the Consolidated Statutes of North Carolina shall be and the same hereby is amended by striking out Subsection ten thereof and substituting in lieu thereof the following:

Merit system for  
employment of  
personnel of  
welfare  
departments.

"10. To have the authority to establish, maintain and provide rules and regulations for the administration of a system of personnel standards on a merit basis with a uniform schedule of compensation for all employees of the State Board and of the county welfare departments: Provided, that the compensation schedule for employees of the State Board shall be established in conformity with the provisions of the State Personnel Act."

State Board  
Employees, pay  
schedule.

Ch. 319, Public  
Laws, 1937,  
amended.

SEC. 2. Section three of Chapter three hundred and nineteen of the Public Laws of one thousand nine hundred and thirty-seven, amending Chapter eighty-eight of the Consolidated Statutes be and the same is hereby stricken out and the following substituted in lieu thereof:

C. S. 5014,  
rewritten.

"SEC. 3. The said chapter is further amended by striking out all of Section five thousand and fourteen, Consolidated Statutes of North Carolina, and inserting in lieu thereof the following:

County Welfare  
Boards.

'SECTION 5014. County Welfare Boards; Appointment, Duties. Each of the several counties of the State shall have a county welfare board composed of three members who shall be appointed as follows: The board of county commissions shall appoint one member who may be one of their own number to serve as ex officio member of the county welfare board with the same powers and duties as the other two members, or they may appoint a person not of their own number to serve on the county welfare board; the State Board of Charities and Public Welfare shall appoint one member; and the two members so appointed shall select the third member: Provided, that in Wake County the third member shall be named by the governing body of the City of Raleigh. In the event the two members thus ap-

Appointment of  
members.

Proviso: as to  
Wake County.

pointed are unable to agree upon the selection of the third member, such third member shall be appointed by the resident judge of the Superior Court of the district in which the county is situated.

'The respective appointments shall be made on or before the first day of April, one thousand nine hundred and forty-one and shall be effective as of that date. In order to secure overlapping terms of office and to give continuity of policy, the first appointment of the county commissioners shall be for a term of two years; the first appointment of the State Board shall be for a term of three years, and the first appointment of the third member shall be for a term of one year; but at the expiration of the terms of the three appointees their successors shall be appointed for terms of two years each. Prior service on a county welfare board shall not disqualify any person for service under this Act, but no member shall be eligible in the future to succeed himself after three successive terms as a member of a county welfare board: Provided, however, that no member shall serve more than six successive years.

Time of appointments.

Overlapping terms.

Eligibility for service on board.

Limitation of continued service.

'The county welfare boards of the several counties shall have the duty of selecting the county superintendent of public welfare, shall act in advisory capacity to county and municipal authorities in developing policies and plans in dealing with problems of dependency and delinquency, distribution of the poor funds, and with bettering social conditions generally, including cooperation with other agencies in placing indigent persons in gainful enterprises, shall prepare the administrative budget for the county welfare department for submission to and approval by the board of county commissioners, and shall have such other powers and duties as may be prescribed by law, particularly those set forth in the laws pertaining to old age assistance and aid to dependent children. The county welfare board shall meet with the superintendent of public welfare and advise with him in regard to problems pertaining to his office, and the superintendent of public welfare shall be the executive officer of the board and shall act as its secretary.'

Powers and duties of county welfare boards.

Superintendent of public welfare, executive officer.

SEC. 3. That said Chapter three hundred and nineteen, Public Laws of one thousand nine hundred and thirty-seven, be and the same is further amended by striking out all of Section four and substituting in lieu thereof the following:

Ch. 319, Public Laws, 1937, amended further.

"SEC. 4. That said chapter is further amended by striking out therefrom all of Section five thousand and fifteen and inserting in lieu thereof the following:

C. S. 5015, rewritten.

'SECTION 5015. Meetings of the Board. The county welfare boards so appointed shall meet immediately after their appointment and organize by electing a chairman, who shall serve for the term of his appointment, and shall forward notice of said

Meetings of Board.

Chairman.

Payment of  
expense in  
attending  
meetings.

Per diem  
payments for  
Mecklenburg  
County members.

Ch. 319, amended  
further.

C. S. 5016,  
rewritten.

Appointment of  
County Super-  
intendent of  
Welfare.

Merit system  
basis.

Proviso: as to  
Mecklenburg  
County.

Eligibility of  
incumbent.

Certification by  
merit system  
supervisor,  
prerequisite for  
appointment as  
Superintendent.

Time of  
assumption  
of duties.  
Vacancy  
appointments.

chairman's election and the third member's appointment immediately to the State Board, and shall meet at least once a month with the superintendent of welfare and advise with him in regard to problems pertaining to his office. Members of the county board may be reimbursed for expenses incurred in the attendance at official meetings: Provided, that the members of the County Board of Welfare of Mecklenburg County shall receive the sum of five (\$5.00) dollars per diem for not exceeding two meetings in any one month'."

SEC. 4. That said Chapter three hundred and nineteen, Public Laws of one thousand nine hundred and thirty-seven, is further amended by striking out all of Section five and substituting in lieu thereof the following:

"SEC. 5. The said chapter is further amended by striking out all of Section five thousand and sixteen, as amended by various statutes, and substituting in lieu thereof the following:

'SECTION 5016. County Superintendent of Welfare; Appointment; Salary. On the first Monday in June, one thousand nine hundred and forty-one, or as soon thereafter as practical, the several county welfare boards shall appoint a superintendent of public welfare for the county in accordance with the rules and regulations of the merit system plan adopted by the State Board of Charities and Public Welfare: Provided, that the County Superintendent of Public Welfare of Mecklenburg County shall be appointed by the Mecklenburg County Welfare Board and the Board of County Commissioners of said county. In making such appointment the county board may reappoint the superintendent of public welfare whose term expires on the thirtieth day of June one thousand nine hundred and forty-one and who was serving as superintendent of public welfare prior to the first day of January one thousand nine hundred and forty, if such person is certified by the merit system supervisor as having passed the merit system examination on a qualifying basis; or the county board may appoint as superintendent of public welfare any person who was employed by a county welfare department prior to the first day of January one thousand nine hundred and forty and who has been promoted to the duties and responsibilities of superintendent if such person meets the minimum requirements of the position of superintendent of public welfare and shall be certified by the merit system supervisor as having passed the merit system examination; or the county board may appoint as superintendent of public welfare a person from an open competitive or promotional register as certified by the merit system supervisor. The superintendent so appointed shall assume his duties on the first day of July, one thousand nine hundred and forty-one. All subsequent vacancies in the position of superintendent of public welfare shall be filled by the county board from an open competitive or promotional register.

"The county welfare board may dismiss a superintendent of public welfare in accordance with the merit system rules of the State Board of Charities and Public Welfare and any superintendent so dismissed shall have the right of appeal to the merit system council, as provided for in the merit system plan: Provided, that in Mecklenburg County the County Welfare Board and the Board of County Commissioners of said county may dismiss the Superintendent of Public Welfare in accordance with the merit system rules of the State Board of Charities and Public Welfare, but any Superintendent so dismissed shall have the right of appeal to the merit system council as provided for in the merit system plan.

Dismissal.

Appeal.

Proviso: as to  
Mecklenburg  
County.

"The county welfare board shall determine the salary to be paid the superintendent of public welfare, in accordance with the merit system compensation plan, either at the time of his appointment or at such time as they may be in regular or called session for the purpose, and the salary shall be paid by the respective counties from Federal, State and county funds: Provided, that in Mecklenburg County the County Welfare Board and the Board of County Commissioners shall determine the salary to be paid the Superintendent of Public Welfare in accordance with the merit system compensation plan: Provided, further, that in counties where financial conditions render it urgently necessary, the State Board may cause to be paid out of any State or Federal fund available for the purpose, such portion of the salary of the superintendent of welfare of any county as, in the discretion of the State Board, may be necessary. Levy of taxes for the special purpose of payment of the salary of the county welfare superintendent is hereby authorized and directed'."

Salary of  
Superintendent.

Payment.

Proviso: as to  
Mecklenburg  
County.

State and  
Federal assistance  
for certain  
counties.

Levy of taxes.

SEC. 5. That Chapter eighty-eight of the Consolidated Statutes of North Carolina be, and the same is hereby amended further by striking out all of Section five thousand and seventeen of said chapter and substituting in lieu thereof the following:

C. S., Ch. 88,  
amended.

C. S. 5017,  
rewritten.

"SECTION 5017. Powers and Duties of County Welfare Superintendent. The county superintendent of public welfare shall have the following powers and duties:

Powers and  
duties of County  
Welfare  
Superintendent.

"1. To act as executive officer of county welfare board and to appoint office personnel in accordance with merit system regulations of the State Board of Charities and Public Welfare, whose salaries shall be paid by the county from Federal, State and county funds: Provided, that in counties where financial conditions render it urgently necessary, the State Board may cause to be paid out of any State and Federal funds available for the purpose such portion of the salaries as, in the discretion of the State Board may be necessary.

Service as  
executive officer  
of county wel-  
fare board; etc.



Administration  
of Old Age  
Assistance, etc.

"2. To administer old age assistance and aid to dependent children under the supervision of the State Board of Charities and Public Welfare and in accordance with the provisions of the old age assistance and aid to dependent children acts.

Care, etc. of  
indigents.

"3. To have the care and supervision of indigent persons in the county and to administer funds provided by the county commissioners for such purposes.

Agent for State  
Board of  
Charities and  
Public Welfare.

"4. To act as agent for the State Board of Charities and Public Welfare in relation to any work to be done by the State Board in the county; and to make, under the direction of the State Board, such investigations in the county in the interest of social welfare as the State Board may desire or direct.

Issuance of  
employment  
certificates  
for minors.

"5. To issue employment certificates to children in such form and under such regulations as may be prescribed by the State Department of Labor.

Duties in  
connection with  
sterilization  
proceedings.

"6. To prepare and submit to the Eugenics Board of North Carolina petitions for sterilization of county institutional and non-institutional cases and to arrange for operations authorized by the eugenics board.

Service as  
probation  
officer; etc.

"7. To serve as investigating officer and chief probation officer for all juvenile courts in the county and to have oversight of dependent and delinquent children including those on parole or probation, of such dependent children as may be placed in the county by the State Board, and of those children conditionally released from State institutions for juvenile delinquents.

Coöperation with  
parole com-  
missioner, etc.

"8. To assist and cooperate with the commissioner of paroles and the parole supervisor in the oversight and actual supervision of persons on parole in the county and to coöperate with probation commission and its representatives.

Duties with  
reference to  
discharges from  
hospitals  
for insane.

"9. Under direction of the State Board to look after and keep up with the condition of persons discharged from hospitals for the insane.

Investigation of  
cases for  
adoption.

"10. To investigate cases for adoption and supervise placements for adoption.

Supervision of  
boarding homes.

"11. To supervise boarding homes under rules and regulations of the State Board.

Coöperation with  
recreation  
agencies.

"12. To cooperate with existing agencies in the promotion of wholesome recreation facilities in the county."

C. S., Ch. 88,  
amended, by  
repealing  
C. S. 5018.

SEC. 6. That Chapter eighty-eight of the Consolidated Statutes of North Carolina be, and the same is, hereby amended further by striking out all of Section five thousand and eighteen.



SEC. 7. That Chapter five hundred and ninety-eight of the Public-Local Laws, one thousand nine hundred and thirty-seven, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Ch. 598, Public-Local Laws, 1937, and other conflicting laws, repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 470

## CHAPTER 271

AN ACT TO AMEND SECTION NINETY-THREE OF VOLUME I OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, RELATING TO THE ORDER OF PAYMENT OF DEBTS OF A DECEDENT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section ninety-three of Volume one of the Consolidated Statutes of one thousand nine hundred and nineteen be, and the same is hereby, amended by striking out the period at the end of the classification in said section designated as "Sixth Class" and inserting in lieu thereof a semicolon, and by adding the following: "for drugs and all other medical supplies necessary for the treatment of such deceased person during the last illness of such person, said period of last illness not to exceed twelve months."

C. S. 93, amended, as to order of payment of debts of decedents.

Sixth class: drugs and medical supplies during last illness.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 485

## CHAPTER 272

AN ACT TO AMEND CONSOLIDATED STATUTES TWO THOUSAND SEVEN HUNDRED AND EIGHTY-SEVEN, VOLUME THREE, ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR, AS AMENDED, RELATING TO THE POWERS OF MUNICIPAL CORPORATIONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Consolidated Statutes two thousand seven hundred and eighty-seven of Volume three, one thousand nine hundred and twenty-four, as amended by Chapter two hundred

C. S. 2787, amended, as to powers of municipal corporations.

of the Public Laws of one thousand nine hundred and twenty-five, as amended by Chapter two hundred and seventy-nine of the Public Laws of one thousand nine hundred and thirty-five, as amended by Chapter one hundred and sixty-four of the Public Laws of one thousand nine hundred and thirty-nine, be, and the same is hereby, further amended by adding at the end thereof the following paragraph:

Establishment,  
operation, etc.  
of parking lots.

“The governing authorities of all cities and towns of North Carolina shall have the power to own, establish, regulate, operate and control municipal parking lots for parking of motor vehicles within the corporate limits of cities and towns. Cities and towns are likewise hereby authorized, in their discretion, to make a charge for the use of such parking lots.”

Charges for  
parking.

Municipal  
parking lots,  
declared a  
public purpose.

SEC. 2. Municipal parking lots for motor vehicles established and operated by cities and towns are hereby declared to be for a public purpose.

Conflicting laws  
repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 489

## CHAPTER 273

AN ACT TO AMEND CONSOLIDATED STATUTES FOUR THOUSAND THREE HUNDRED AND FORTY-EIGHT (a) WITH REFERENCE TO INDECENT EXPOSURE BY PERSONS.

*The General Assembly of North Carolina do enact:*

Ch. 57, Public  
Laws, 1935  
(C. S. 4348 (a)),  
amended.

SECTION 1. That Chapter fifty-seven of the Public Laws of one thousand nine hundred and thirty-five, amending Consolidated Statutes of one thousand nine hundred and nineteen, Section four thousand three hundred and forty-eight (a), be and the same hereby is, amended by adding at the end of said Section four thousand three hundred and forty-eight (a) the following: “Any person who shall wilfully make any indecent public exposure of the private parts of his or her person in any public place or highway shall be guilty of a misdemeanor.”

Indecent public  
exposure made  
misdemeanor.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 481

## CHAPTER 274

AN ACT TO AMEND SECTION ONE THOUSAND FOUR HUNDRED AND FORTY-THREE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA AS AMENDED BY CHAPTER TWO HUNDRED AND TWENTY-FOUR PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE AND AS FURTHER AMENDED BY CHAPTER FOUR HUNDRED AND NINETEEN PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE SO AS TO PROVIDE FOR ADDITIONAL TERMS OF THE SUPERIOR COURT OF DURHAM COUNTY IN THE TENTH JUDICIAL DISTRICT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one thousand four hundred and forty-three of the Consolidated Statutes of North Carolina as amended by Chapter two hundred and twenty-four Public Laws of one thousand nine hundred and thirty-one and as further amended by Chapter four hundred and nineteen Public Laws of one thousand nine hundred and thirty-one be further amended by striking out the paragraphs under the heading "Durham" and inserting in lieu thereof the following:

C. S. 1443,  
amended, as to  
Superior Court  
terms for Dur-  
ham County.

"Eighth Monday before the first Monday in March, second Monday before the first Monday in March, third Monday after the first Monday in March (for a term of two weeks), eleventh Monday after the first Monday in March, sixteenth Monday after the first Monday in March, seventh Monday before the first Monday in September, first Monday in September (for a term of two weeks), fifth Monday after the first Monday in September, thirteenth Monday after the first Monday in September, each for the trial of criminal cases only; seventh Monday before the first Monday in March (for a term of three weeks), first Monday before the first Monday in March (for a term of four weeks), fifth Monday after the first Monday in March (for a term of three weeks), eighth Monday after the first Monday in March (for a term of two weeks), twelfth Monday after the first Monday in March (for a term of three weeks), fifth Monday before the first Monday in September (for a term of two weeks), second Monday after the first Monday in September (for a term of three weeks), sixth Monday after the first Monday in September (for a term of two weeks), eighth Monday after the first Monday in September (for a term of two weeks), each for the trial of civil cases only."

SEC. 2. That in case of conflict of any of the regularly established terms of the courts of the Tenth Judicial District with the terms above set out, the said terms of court herein established shall be considered special terms, and the Governor may assign

Adjustment of  
conflicts in terms  
within Tenth  
Judicial District.

a special or emergency judge to hold said terms of the Superior Court of Durham County when the judge holding the regular terms of court in the district is unable to hold said terms for any cause set out in Article four, Section eleven, of the Constitution.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall take effect and be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 494

CHAPTER 275

AN ACT TO REGULATE THE MANUFACTURE, SALE AND DISTRIBUTION OF AGRICULTURAL LIMING MATERIAL, AGRICULTURAL LIMING MATERIAL WITH POTASH, AND LAND PLASTER IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Regulation of sale, etc. of agricultural liming material, etc.

SECTION 1. All agricultural liming material, agricultural liming material with potash, and land plaster, hereinafter named either as the aforesaid separate items, or collectively as "materials coming under this Act," or as "said materials", to be sold, offered, or exposed for sale in this State, shall be subject to regulation as provided by the following sections of this Act.

SEC. 2. Registration.

Registration of brands by manufacturers and vendors.

Every manufacturer or vendor proposing to sell, offer or expose for sale in this State, the materials coming under this Act shall, annually on or before the first day of January of each year, or before offering said materials for sale in this State, register with the Commissioner of Agriculture, on forms to be furnished by said commissioner, each brand of the said materials that he proposes to offer for sale during the next ensuing calendar year, or remainder thereof, giving for each brand the information prescribed in the following subsections:

Information on registration forms:

Net weight.

(a) Net weight when sold in packages.

Brand, trade name.

(b) A brand or trade name truly descriptive of the product.

Guaranteed analysis.

(c) The guaranteed analysis showing:

Requirement as to agricultural liming materials.

(1) In case of agricultural liming materials; the minimum per cent of calcium expressed as calcium carbonate ( $\text{CaCO}_3$ ) and of magnesium expressed as magnesium carbonate ( $\text{MgCO}_3$ ) if the product be unburned or a mixture of both burned and un-

burned material; or as calcium oxide ( $\text{CaO}$ ) and magnesium oxide ( $\text{MgO}$ ) if the product be in the burned state and, in either case, the total neutralizing value expressed as calcium carbonate equivalent or neutralizing equivalent, and the fineness of the material, excepting that guarantee of screen analysis shall not be required for the products from completely burned limestone or shells. (The terms "Calcium Carbonate Equivalent" and "Neutralizing Equivalent," for the purpose of this Act, shall mean one and the same thing. Fineness shall be determined by screens complying with the specifications of the United States Bureau of Standards.)

Terms defined.

(2) In case of agricultural liming material with potash, the same requirement as for agricultural liming material, Subsection (c) (1) of this section, but including also the minimum per cent of available potash as the oxide ( $\text{K}_2\text{O}$ ). (The potash content of agricultural liming material with potash shall not be below four per cent, and the guarantee for said potash content shall be in whole numbers only.)

Requirement as to agricultural liming material with potash.

Minimum potash content.

(3) In case of land plaster, the minimum per cent of calcium sulfate ( $\text{CaSO}_4$ ).

Requirement as to land plaster.

(d) The name and address of the manufacturer or vendor guaranteeing the registration.

Name and address of manufacturer, etc.

(e) In case of combinations of materials from different sources, the source, chemical form, and minimum per cent of each material in truly descriptive terms.

Source, etc. of materials, where combinations from different sources.

### SEC. 3. Labeling.

All of the said materials sold, offered, or exposed for sale in this State shall have attached thereto, or be accompanied by a plainly printed statement giving the information as required under Section two, "Registration", Subsections (a), (b), (c), (d) and (e). In case of materials sold in packages, the said information shall be plainly printed upon the package, or upon a tag or label attached thereto, of such quality and in such manner that it shall withstand normal handling, and, in case of material sold in bulk, the said statement shall be delivered to the purchaser either with the material, or with the invoice therefor.

Labeling.

Sales in packages.

Sales in bulk.

### SEC. 4. Registration and Tonnage Fees.

(a) For the purpose of defraying expenses connected with the registration, inspection and analysis of the materials coming under this Act, there shall be paid, by the manufacturers or vendors, to the Department of Agriculture, for each brand or grade of said materials registered as required under Section two, an annual registration fee of five dollars (\$5.00) for each calendar year or part thereof, said fee to be paid at the time of registration.

Registration fees.



Tonnage fees.

(b) Likewise, in addition to the above stated registration fee there shall be paid upon said materials sold in this State, in the manner specified under Subsection (c) of this section, tonnage fees as follows: For agricultural liming material, five cents per ton; for agricultural liming material with potash, twenty-five cents per ton; and for land plaster, five cents per ton; excepting that these fees shall not apply to materials which are sold to fertilizer manufacturers for the sole purpose of use in the manufacture of fertilizer.

Tags attached to bags, etc., showing payment of charges.

(c) Each bag, parcel or shipment of said materials shall have attached thereto a tag, or label, to be furnished by the Department of Agriculture, stating that all charges specified in this Act have been paid, and the Commissioner of Agriculture, with the advice and consent of the Board of Agriculture is hereby empowered to prescribe a form for such tags, or labels, and to adopt such regulations as will insure enforcement of this Act. Whenever any manufacturer or vendor shall have paid the required charges, his goods shall not be liable to any further tax, whether by city, town or county. Tax tags or labels shall be issued each year by the Commissioner of Agriculture, and sold to persons applying for same at the tax rate provided herein. Tags or labels left in the possession of persons registering the materials coming under this Act, at the end of a calendar year, may be exchanged for tags or labels for the next succeeding year.

Form of tags ; regulations.

Goods not liable to local tax.

Issuance and sale of tags.

Licensing of manufacturers, etc.

(d) To manufacturers or vendors of the materials covered in this Act, who have registered their brands of the said materials and paid registration fees as required herein, shall be issued by the Commissioner of Agriculture, without further charge, certificates licensing said manufacturers or vendors, themselves or through their agents, to sell in this State the brands of materials named in said certificate, for the period of time designated therein.

#### SEC. 5. Report of Sales.

Report of sales.

In addition to the statement required under Section two, each manufacturer or vendor of the materials covered in this Act shall, on or before the first day of February of each year, file with the Department of Agriculture a written report showing the total number of net tons of each brand and grade of the said materials sold by him, or his representatives or agents in this State, during the last preceding year. License for the sale of said materials within this State shall not be issued for a succeeding year to any manufacturer or vendor for the continued sale of his product unless and until said report has been made.

#### SEC. 6. Inspections, Sampling and Analysis.

Administration of Act.

It shall be the duty of the Commissioner of Agriculture to institute the necessary proceedings and have prepared the nec-

essary equipment to put into effect the provisions of this Act, and to authorize the collecting of official samples of the materials covered by it, to have them analyzed, and to have results published for the information of the public. For this purpose such inspectors or representatives as he may duly authorize shall have full access, ingress and egress to and from all places of business, manufacture, storage, transportation, handling or sale of any of the said materials. They shall also have power to open any container or package containing or supposed to contain any of the said materials, and to take therefrom samples for analysis. The official methods and recommendations of the Association of Official Agricultural Chemists as to sampling and analyzing shall be used in administering this Act.

Collecting  
samples.

Inspections.

Analyses.

## SEC. 7. Deficiencies.

Should any of the materials coming under this Act be found, by procedures authorized thereunder, to be deficient in the constituents as claimed by the manufacturer or vendor thereof, said manufacturer or vendor, upon being officially notified of such deficiency by the Commissioner of Agriculture, shall, within ninety days following such notification, make refunds to the consumers of the deficient materials as follows: In case of "agricultural liming material" or "agricultural liming material with potash", excepting potash deficiency of the latter, if the deficiency be five per cent or more, there shall be refunded an amount equal to three times the value of such deficiency. In case of "potash" deficiency in "agricultural liming material with potash," there shall be refunded an amount equal to three times the value of the deficiency, if such deficiency is in excess of forty points (which shall mean 0.40 of one per cent) on goods guaranteed four per cent; fifty points (which shall mean 0.50 of one per cent) on goods that are guaranteed five per cent up to and including eight per cent; and sixty points (which shall mean 0.60 of one per cent) on goods guaranteed nine per cent and up to and including twenty per cent; and one hundred points (which shall mean 1.00 per cent) on goods guaranteed over twenty per cent; and in case of land plaster, for deficiencies in excess of one per cent, there shall be refunded an amount equal to three times the value of the deficiency. Values shall be based on the selling price of said materials. When said consumers cannot be found within the above specified time, refunds shall be forwarded to the Commissioner of Agriculture for deposit with the State Treasurer to the credit of the Department of Agriculture, where said refund shall be held for payment to the proper consumer upon order of said commissioner. Where the consumer to whom the refund is due cannot be found within a period of two years, such refund shall, after said period,

Notice of  
deficiencies,  
given to  
vendors, etc.

Refunds to  
consumers.

Deficiencies  
defined as to  
agricultural  
liming  
material, etc.

Deficiencies in  
land plaster,  
defined.

Refunds held by  
Commissioner of  
Agriculture,  
when consumer  
not found.

Final disposition,  
when consumer  
not located in  
two years.

revert to the Department of Agriculture for expenditure by said commissioner in promoting the agricultural program of the State.

#### SEC. 8. Violations and Penalties.

Violations and penalties.

Any person or persons selling, offering or exposing for sale in this State any of the materials covered in this Act, without first having registered said materials, paid the fees required, secured the required license, and otherwise complied with the requirements of this Act; or who shall have caused to be submitted, or to be associated with said registrations or materials, false, fraudulent, or misleading statements; or who shall have caused to be incorporated into said materials any substances which shall be harmful to plants or plant growth; shall be guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for the first offense and not less than one hundred dollars for each subsequent offense.

#### SEC. 9. Certified Analysis as Evidence.

Evidentiary value of certified analysis.

In the trial of any suit or action wherein there is called in question the value of composition of any of the materials covered by this Act, a certified statement of the analysis made by the chemists of the Department of Agriculture shall be admissible as prima facie evidence of the content, value, or composition of said materials.

#### SEC. 10. Revocation and Seizure.

Revocation of licenses.

The Commissioner of Agriculture is hereby authorized to revoke any license and require forfeit of fees paid under such license when it is ascertained that the registration upon which said license was issued has given false information in its statement relative to the kind, quality, composition or fineness of the materials sold, or offered for sale, under the provisions of this Act; and to seize and withhold from sale or distribution any such materials where it is shown that they are being dispensed in violation of said Act.

Seizure of materials; etc.

#### SEC. 11. Regulations and Standards.

Regulations and standards.

The Commissioner of Agriculture, under the authority of the Board of Agriculture, is further empowered to prescribe and enforce such reasonable rules and regulations relating to the sale of the materials covered in this Act as are consistent with the purpose of the Act and are deemed necessary to carry into effect its full intent and meaning; and, conjointly with the State Board of Agriculture and the Director of the North Carolina Experiment Station, to formulate and prescribe such definitions and standards as may be required for said purpose.

SEC. 12. Nothing in this Act shall be construed to restrict or avoid sales or exchanges of the materials coming under this Act to each other by importers, manufacturers or manipulators who mix said materials for sale, or as preventing the free and unrestricted shipments of said materials to manufacturers or manipulators who have registered their brands as required by the provisions of this Act.

Construction of Act.

### SEC. 13. Constitutionality.

The several provisions of this Act are hereby declared to be severable and if any provision of this Act shall be held by any court to be unconstitutional, it is the legislative intent that such judgment shall not affect any other section or provision thereof.

Partial invalidity section.

### SEC. 14. Repeal.

Sections four thousand seven hundred seventeen, four thousand seven hundred eighteen, four thousand seven hundred nineteen, four thousand seven hundred twenty, four thousand seven hundred twenty-one, four thousand seven hundred twenty-two, four thousand seven hundred twenty-three of Volume two of the Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen; and Chapter three hundred sixty-seven of the Public Laws of one thousand nine hundred and thirty-seven; and all other laws and clauses of laws in conflict with this Act are hereby repealed.

C. S. 4717-4723 ;  
Ch. 367, Public  
Laws, 1937 ;  
and other  
conflicting laws  
repealed.

### SEC. 15. Effective Date.

This Act shall be in full force and effect from after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 501

## CHAPTER 276

AN ACT TO AMEND CHAPTER ONE OF THE PUBLIC LAWS OF THE EXTRA SESSION ONE THOUSAND NINE HUNDRED AND THIRTY-SIX, AS AMENDED, KNOWN AS THE UNEMPLOYMENT COMPENSATION LAW, FOR THE PURPOSE OF PRESERVING UNEMPLOYMENT BENEFIT RIGHTS FOR INDIVIDUALS IN THE MILITARY SERVICE OF THE UNITED STATES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, known as the "Unemployment Compensation Law," be, and the same is hereby amended by adding

Ch. 1, Public  
Laws, Extra  
Session, 1936,  
amended.



Sec. 3, amended.

a new subsection to said Section three to be known as Section three (f) as follows:

Benefit rights of trainees in military service, under Unemployment Compensation Act.

"(f) (1) Notwithstanding any inconsistent provisions of this Act, the benefit rights of trainees shall be determined in accordance with the following provisions of this subsection for the periods and with respect to the matters specified herein. Except as herein otherwise provided, all other provisions of this Act shall continue to be applicable in connection with such benefits.

Definitions:

"Military service."

"(2) The term 'military service' as used in this subsection means active service in the land or naval forces of the United States, but the service of an individual in any reserve component of the land or naval forces of the United States who is ordered to active duty in any such force for a period of thirty days or less shall not be deemed to be active service in any such force during such period.

"Trainee."

"(3) The term 'trainee' as used in this subsection means an individual who entered military service after July 1, 1940, who continued in such service for not less than ninety consecutive days and whose military service was terminated on or before July 1, 1943.

First benefit year following termination of service.

"(4) With respect to any trainee, the first benefit year following the termination of his military service shall be the fifty-two consecutive week period beginning with the first day of the first week following the date of such termination; and the second benefit year following the termination of his military service shall be the fifty-two consecutive week period beginning with the first day of the first week following the termination of such first benefit year.

Second benefit year.

Base period as to first benefit year.

"(5) With respect to the first benefit year defined in paragraph (4) of this subsection, the base period shall be the two completed calendar years preceding the date of the trainee's entry into military service; and with respect to the second benefit year defined in paragraph (4) of this subsection, the base period shall be the complete calendar year preceding the date of the trainee's entry into military service plus the portion of a calendar year intervening between the end of such completed calendar year and the date of the trainee's entry into military service, plus (but only in the event that the military service ends between July 1 and December 31 of any year) the portion of a calendar year intervening between the date of the trainee's termination of service and the last day of such calendar year; provided that for the purposes of this subsection such portion of a calendar year intervening between the date of a trainee's termination of service and the last day of such calendar year shall be deemed to be included in the calendar year in which the trainee entered military service.

Base period as to second benefit year.



“(6) The provisions of section 4 (d) of this Act with respect to waiting period shall not be applicable to the first benefit year defined in paragraph (4) of this subsection.

Waiting period.

“(7) An otherwise eligible trainee shall be eligible to receive benefits with respect to any week beginning in either of the benefit years defined in paragraph (4) of this subsection only if he has earned wages in an amount of \$130 or more in either of the two calendar years included within the base period for that benefit year in which occurs the week with respect to which benefits are claimed.

Eligibility for benefits.

“(8) A trainee's weekly benefits amount with respect to each of the two benefit years defined in paragraph (4) of this subsection shall be the amount appearing in Column II of the table of section three (b) opposite which amount there appears in Column I of such table the wages payable to such individual with respect to 'employment' during that calendar year of the base period of such benefit year in which such trainee's wages payable with respect to 'employment' were greatest.

Computation of amount of weekly benefits.

“(9) An otherwise eligible trainee shall be entitled during the first benefit year defined in paragraph (4) of this subsection to a total amount of benefits equal to whichever is the lesser of (a) sixteen times his weekly benefit amount and (b) thirty-two times his weekly benefit amount less the amount of any benefits paid him under this act for unemployment prior to his entry into military service on the basis of his wages in any part of the base period of such benefit year.

Total benefits allowable during first benefit year after service.

“(10) An otherwise eligible trainee shall be entitled during the second benefit year defined in paragraph (4) of this subsection to a total amount of benefits equal to whichever is the lesser of (a) sixteen times his weekly benefit amount, and (b) four times his weekly benefit amount times the number of calendar quarters (completed or uncompleted) in the base period of such benefit year and less the amount of any benefits paid him under this act for unemployment prior to his entry into military service on the basis of his wages in any part of the base period of such benefit year.

Total benefits allowable during second benefit year after service.

“(11) With respect to any benefit year of a trainee as defined in Section nineteen (r) which begins subsequent to the second benefit year defined in paragraph (4) of this subsection and has a base period containing less than four completed calendar quarters in which no military service was performed, the term 'wages payable during base period' as used in Section three (b) shall be deemed to mean the wages payable to such individual during such base period with respect to 'employment' divided by the number of completed calendar quarters in such

Benefit allowances for years subsequent to second benefit year after service.

base period in which no military service was performed and multiplied by four.

Disqualification  
for benefits.

“(12) If under an Act of Congress, payments with respect to the unemployment of individuals who have completed a period of military service are payable by the United States, a trainee shall be disqualified for benefits with respect to any week beginning within a benefits year as defined in paragraph (4) of this subsection until he has exhausted all his rights to such payments from the United States.”

Conflicting laws  
repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after date of ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 519

## CHAPTER 277

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINETEEN RELATING TO THE PROMOTION OF VOCATIONAL EDUCATION IN NORTH CAROLINA, ETC.

*The General Assembly of North Carolina do enact:*

Ch. 131, Public  
Laws, 1919,  
amended.

SECTION 1. That Section two of Chapter one hundred and thirty-one of the Public Laws of one thousand nine hundred and nineteen be, and the same is hereby, amended to read as follows:

State Treasurer  
made custodian  
of vocational  
education funds  
from Federal  
Government.

“SEC. 2. That the State Treasurer is hereby designated and appointed custodian of all monies received by the State from the appropriation made by said Act of Congress or any other Acts of Congress passed subsequent thereto and he is authorized to receive and to provide for the proper custody of the same and to make disbursement thereof in the manner provided for in said Acts and for the purpose therein specified. He shall also pay out monies appropriated by the State of North Carolina for the purpose of carrying out the provisions of this Act upon the order of the State Board of Vocational Education.”

Disbursement.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 523

## CHAPTER 278

AN ACT TO PROVIDE COMPENSATION TO WALTER M. STANALAND FOR DAMAGES SUSTAINED BY THE STATE OF NORTH CAROLINA TAKING HIS LAND FOR INLAND WATERWAY PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Governor of North Carolina is hereby authorized and empowered to appoint a commission to investigate and determine what damages, if any, Walter M. Stanaland has sustained by reason of the State of North Carolina having taken and conveyed to the United States Government, for Inland Waterway purposes, certain lands in Brunswick County, North Carolina, belonging to Walter M. Stanaland, without having first complied with the provisions of Chapter Number two, of the Public Laws of one thousand nine hundred and thirty-one.

Appointment of commission to determine damages, if any, by State to certain lands of Walter M. Stanaland.

SEC. 2. That said commission shall consist of the State Treasurer, Secretary of State and one other member to be named by the Governor, said commission shall make a thorough investigation of said matter and shall file a written report of their findings with the Governor.

Membership of commission.

Report of findings.

SEC. 3. That when said commission has filed its report with the Governor, then the Governor shall certify to the State Treasurer what amount, if any, said commission has recommended to be paid to the said Walter M. Stanaland for damages sustained by reason of the taking of said land, and then the State Treasurer shall be and is hereby authorize and directed to pay to the said Walter M. Stanaland whatever sum, if any, that has been recommended by the said commission.

Certification and payment of amounts determined due to Walter M. Stanaland.

Provided that funds necessary to carry out the provisions of this Act shall be paid out of the emergency fund in the event funds are not available out of the appropriations heretofore made for the purpose of purchasing Inland Waterway right-of-way.

Source of funds for payments.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 801

## CHAPTER 279

AN ACT TO AMEND CHAPTER ONE (1), PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRY-SIX (1936), BEING AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND ADMINISTRATION OF UNEMPLOYMENT COMPENSATION.

*The General Assembly of North Carolina do enact:*

Sec. 10(a), Ch. 1,  
Public Laws,  
1936, amended.

SECTION 1. That Chapter one of the Public Laws of one thousand nine hundred and thirty-six be amended by striking out Section ten (a), and substituting in lieu thereof the following:

Reorganization of  
U. C. C.

“SECTION 10. (a) There is hereby created a commission to be known as the Unemployment Compensation Commission of North Carolina. The commission shall consist of seven (7) members to be appointed by the Governor on or before the effective date of this act. The Governor shall have the power to designate the member of said commission who shall act as the chairman thereof. The chairman of the commission shall not engage in any other business, vocation or employment, and no member of the commission shall serve as an officer or a committee member of any political party organization. Three (3) members of the commission shall be appointed by the Governor to serve for a term of two (2) years. Three (3) members shall be appointed to serve for a term of four (4) years, and upon the expiration of the respective terms, the successors of said members shall be appointed for a term of four (4) years each, thereafter, and the member of said commission designated by the Governor as Chairman shall be appointed for a term of four (4) years from and after his appointment. Any member appointed to fill a vacancy occurring in any of the appointments made by the Governor prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. The Governor may at any time after notice and hearing, remove any commissioner for gross inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office.”

Membership.

Chairman.

Appointment and  
terms of  
members.

Vacancy  
appointments.

Removal.

Sec. 10(c),  
amended.

SEC. 2. That Chapter one of the Public Laws of one thousand nine hundred and thirty-six be further amended by striking out Section ten (c), and substituting in lieu thereof the following:

Compensation of  
Chairman and  
Members.

“SECTION 10. (c) The chairman of the Unemployment Compensation Commission of North Carolina, appointed by the Governor shall be paid from the Unemployment Compensation Administration Fund a salary payable on a monthly basis, which salary shall be fixed by the Governor with the approval of the Council of State; and the members of the commission



other than the chairman shall each receive ten dollars (\$10) per day while engaged in the discharge of the duties of his office and his actual traveling expenses, the same to be paid from the aforesaid fund."

SEC. 3. That Chapter one of the Public Laws of one thousand nine hundred and thirty-six be further amended by striking out Section ten (d) and substituting in lieu thereof the following:

Sec. (d),  
amended.

"SECTION 10. (d) The chairman and three (3) members of the commission shall constitute a quorum."

Quorum.

SEC. 4. That Chapter one of the Public Laws of one thousand nine hundred and thirty-six be further amended by striking out Section eleven (a) and substituting the following in lieu thereof:

Sec. 11(a),  
amended.

SECTION 11. (a) It shall be the duty of the commission to administer this Act. The commission shall meet at least once in each sixty days and may hold special meetings at any time at the call of the chairman or any three (3) members of the commission, and the commission shall have power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as it deems necessary or suitable in the administration of this Act. Such rules and regulations shall be effective upon publication in the manner, not inconsistent with the provisions of this Act, which the commission shall prescribe. The commission shall determine its own organization and methods of procedure in accordance with the provisions of this Act, and shall have an official seal which shall be judicially noticed. The chairman of said commission shall, except as otherwise provided by the commission, be vested with all authority of the commission when the commission is not in session and shall execute all orders, rules, and regulations established by said commission. Not later than the first day of February of each year, the commission shall submit to the Governor a report covering the administration and operation of this Act during the preceding calendar year, and shall make such recommendations for amendments to this Act as the commission deems proper. Such report shall include a balance sheet of the moneys in the fund in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions which reserve shall be set up by the commission in accordance with accepted actuarial principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. Whenever the commission believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, it shall promptly so

Powers and  
duties of  
Commission.

Authority of  
Chairman when  
Commission not  
in session.

Annual report  
to Governor.

Recommendations.

Contents of  
report.

Recommendations  
for protection  
of solvency of  
fund.



inform the Governor and the Legislature, and make recommendations with respect thereto."

Sec. 11 (e),  
amended.

SEC. 5. That Chapter one of the Public Laws of one thousand nine hundred and thirty-six be further amended by striking out Section eleven (e) and substituting the following in lieu thereof:

Appointment of  
Local Advisory  
Councils.

"SECTION 11. (e) The commission shall appoint Local Advisory Councils composed in each case of an equal number of employer representatives and employee representatives who may fairly be regarded as representative because of their vocation, employment, affiliations, and of such members representing the general public as the commission may designate. Such councils shall aid the commission in formulating policies and discussing problems related to the administration of this Act, and in assuring impartiality and freedom from political influence in the solution of such problems. Such Local Advisory Councils shall serve without compensation, but shall be reimbursed for any necessary expenses."

Duties.

Compensation.

Succession to  
rights, powers,  
duties, etc., of  
present U. C. C.

SEC. 6. That the Unemployment Compensation Commission of North Carolina, created by this Act, shall automatically succeed to all the rights, powers, duties, and obligations of the present Unemployment Compensation Commission of North Carolina and of the State Advisory Council.

Conflicting laws  
repealed.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 8. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 546

## CHAPTER 280

AN ACT TO AMEND CHAPTER THREE HUNDRED AND NINETY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, CREATING A BUILDING CODE COUNCIL FOR NORTH CAROLINA, BY RESTRICTING AND DEFINING THE AUTHORITY OF SUCH COUNCIL AND PROVIDING FOR APPEALS THEREFROM.

*The General Assembly of North Carolina do enact:*

Sec. 3, Ch. 392,  
Public Laws,  
1933, amended.

SECTION 1. That Section three of Chapter three hundred and ninety-two of the Public Laws of one thousand nine hundred and thirty-three be amended by rewriting said section as follows:

"SEC. 3. It shall be the duty of the Insurance Commissioner or his deputy or deputies in coöperation with local officials in accordance with the Consolidated Statutes of North Carolina, Sections two thousand seven hundred and thirty-eight to two thousand seven hundred and forty-five, inclusive, to enforce the Building Code hereinafter ratified and adopted, and all rules and regulations which the Building Code Council is authorized to promulgate in modification or addition to said Building Code under the authority of this Act, and further, in coöperation with local authorities, to enforce ordinances of municipal corporations relating to a building code or building rules and regulations: Provided, however, it shall be the duty of the State Board of Health, instead of the duty of the Insurance Commissioner, to enforce all provisions of the Building Code hereinafter designated and all other rules and regulations duly promulgated by the Building Code Council relating to plumbing where such plumbing regulations are not otherwise prescribed by local ordinance or rules and regulations of County Health Boards."

Administration of Building Code by Insurance Commissioner.

Duties imposed on State Board of Health.

SEC. 2. That Section four of Chapter three hundred and ninety-two of the Public Laws of one thousand nine hundred and thirty-three be amended by adding the following to the end of said section:

Sec. 4, amended.

"Subject to the limitations hereinafter set forth, the said Building Code Council is authorized and empowered to establish reasonable and suitable classifications of buildings, both as to use and occupancy; to determine general building restrictions as to location, height and floor areas; to promulgate rules for the lighting and ventilation of buildings; means of egress therefrom; construction thereof and precautions to be taken during such construction; materials, loads and stresses of construction; chimneys and heating appliances and elevators; plumbing, heating, electrical control and protection; and to adopt such other rules and regulations as may be reasonably necessary to effectuate the purposes of this Act: Provided, however, the said Building Code Council shall not establish any standard or adopt or promulgate any rule, regulation, classification, limitation or restriction more rigid, exacting or stringent in its requirements than is authorized in the "North Carolina Building Code" adopted and promulgated by said Council in the year one thousand nine hundred and thirty-six and published in full in August of that year in a printed volume as an official publication of the North Carolina State College of Agriculture and Engineering of the University of North Carolina, the said volume being known and designated as the "North Carolina Building Code, prepared by the North Carolina Building Code Council" and also known and identified as "Bulletin number ten, Engineering Experiment Station, State College

Powers and duties of Building Code Council.

Limitation of powers.

Application of "North Carolina Building Code."

Provisions of Building Code, as published, ratified.

Adoption of less rigid requirements than code.

Adoption of more rigid requirements than Code.

Ch. 392, amended further.

Hearings before Insurance Commissioner as to rules, etc. under law or Building Code.

Determination of controversies.

Enjoining enforcement of decisions of Commissioner.

Proceeding de novo.

Effect of Commissioner's decision.

Other remedies not affected.

Matters involving plumbing heard before State Health Board.

Station, Raleigh." The provisions of said "North Carolina Building Code" so published are hereby in all respects ratified and adopted and shall continue in full force and effect unless and until they may be modified as hereinafter authorized: Provided, further, the said Building Code Council may, subject to the approval of the Insurance Commissioner, promulgate rules and regulations which shall have the effect of establishing requirements less rigid and less stringent than those set forth in said "North Carolina Building Code"; Provided, further, any municipal corporation may adopt a building code or building rules and regulations which are more rigid, stringent and exacting than the "North Carolina Building Code" referred to above as the same is now adopted or as it may be hereafter modified pursuant to the provisions of this Act."

SEC. 3. That Chapter three hundred and ninety-two of the Public Laws of one thousand nine hundred and thirty-three be further amended by inserting a new section between Sections six and seven, to be numbered Section six and one-half, and to read as follows:

"SEC. 6½. Any person desiring to raise any question under Chapter three hundred and ninety-two of the Public Laws of one thousand nine hundred and thirty-three, as amended, or under the "North Carolina Building Code" or any rule or regulation promulgated by the Building Code Council shall be entitled to a full hearing before the Insurance Commissioner, and upon request in writing by any such person, the Insurance Commissioner shall appoint a time for the hearing, giving such person reasonable notice thereof. The Insurance Commissioner shall conduct a full and complete hearing of the matters in controversy and make a determination thereof. Any person affected by any decision of the Insurance Commissioner upon such matters may, either before or after appeal to the Building Council as provided for in Section six, proceed against the Insurance Commissioner in the Superior Court of Wake County, to enjoin the enforcement of the ruling or decision. In any such injunction proceeding the trial of all matters which may have been involved in the hearing before the Insurance Commissioner shall be de novo but the decision and ruling of the Commissioner shall be prima facie correct and valid and the burden of proof shall be on the party attacking such decision. The provisions of this section shall not deprive any person of any other right of action or appeal which he may have and shall not limit any party to the assertion of said right by injunction as herein permitted: Provided, however, that where the question raised relates to any provision, regulation, ruling or decision regarding plumbing, the hearing shall be held before the State Board of Health instead of the Insurance Commissioner; but otherwise the procedure, rights and remedies in such cases shall be as outlined in this section."

SEC. 4. That if any section, subsection, clause or phrase of this Act or of Chapter three hundred and ninety-two of the Public Laws of one thousand nine hundred and thirty-three, is for any reason held to be unconstitutional by the courts of this State or of the United States, then such decision shall affect only that section, subsection, clause or phrase so declared to be unconstitutional and shall not affect any other section, subsection, clause or phrase of this Act or of Chapter three hundred and ninety-two of the Public Laws of one thousand nine hundred and thirty-three.

Partial invalidity section.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 557

## CHAPTER 281

### AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO ADOPTION OF MINORS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That paragraph numbered (3) of Section one of Chapter two hundred and forty-three of the Public Laws of one thousand nine hundred and thirty-five be amended by adding at the end of said paragraph the following: "Provided, further, that when such parent, parents, or guardian has consented to an adoption as specified in paragraph number (4), he shall not be a necessary party of record to this proceeding."

Sec. 1, Para. 3, Ch. 243, Public Laws, 1935, amended, as to parties to adoption proceedings.

SEC. 2. That paragraph numbered (4) of Section one of Chapter two hundred and forty-three of the Public Laws of one thousand nine hundred and thirty-five be amended by striking out the second sentence and inserting in lieu thereof the following: 'Provided, that when the parent, parents, or guardian of the person of the child has in writing surrendered the child to a duly licensed child-placing agency, or the Superintendent of Public Welfare of the County and has in writing consented to adoption of the child by any person or persons to be designated by said agency or officer, this shall be deemed a sufficient consent for the purposes of this chapter, and no further consent of the parent, parents, or guardian to a subsequent specific adoption shall be necessary: Provided, however, that if any child is placed in any home or institution referred to in this

Sec. 1, Para. 4, amended.

Consent by parents, etc., placing child in licensed agency, to adoption by persons designated.

Written consent of mother for adoption.



Consent irrevocable.	Act by its mother, then said mother shall give her written consent that said child may be adopted without further consent upon her part. Such consent shall not be revocable by the consenting party. For the purpose of this Act, a parent under the age of twenty-one shall be deemed to have capacity for the purposes of giving consent, releasing rights in the child, and for all other purposes of this Act, and shall be as fully bound thereby as if the parent had been twenty-one. Within two years of the interlocutory order, but not earlier than one year from the date of such order, the Court shall complete the proceeding by an order granting letters of adoption or, in its discretion, by an order dismissing the proceeding, and the effect of any adoption so completed shall be retroactive to the date of application'.
Consent by parents under age.	
Completion of adoption within two years, or proceeding dismissed.	
Sec. 1, Para. 4, further amended.	SEC. 3. That paragraph numbered (4) of Section one of Chapter two hundred and forty-three of the Public Laws of one thousand nine hundred and thirty-five be further amended by adding at the end thereof the following: "No party to a completed and final adoption proceeding nor anyone claiming under such a party may later question the validity of the adoption proceeding, by reason of any defect or irregularity therein, jurisdictional or otherwise, but shall be fully bound thereby, save for such appeal as may be allowed by law. Further, no adoption may be questioned by reason of any procedural or other defect by anyone not injured by such defect. Such order granting letters of adoption shall have the force and effect of, and shall be entitled to, all the presumptions attaching to a judgment rendered by a court of general jurisdiction in a common law action. A parent who has not consented to nor been made a party to an adoption proceeding where such steps are required may have the adoption vacated provided he bring action to vacate within one year of actual notice of the adoption, and provided he failed to appear in the adoption proceedings because he did not know of such proceedings. In any case where a parent or parents in writing surrenders a child for adoption (other than to a duly licensed child-placing agency or the Superintendent of Public Welfare of the County, which situation is governed by Section two hereof), and the child is taken by prospective adoptive parents in reliance thereon and kept for a period of six months or more, the surrender shall not be revocable by the surrendering parent or parents."
Validity of proceedings, etc., not subject to collateral attack.	
Effect of adoption order.	
Vacation of order by non-consenting parent; limitation of time.	
Surrender of child, for adoption by non-licensed person, irrevocable after six months.	
Sec. 1, Para. 5, amended.	SEC. 4. That paragraph numbered (5) of Section one of Chapter two hundred and forty-three of the Public Laws of one thousand nine hundred and thirty-five be stricken out and there be inserted in lieu thereof the following:
Form and contents of adoption order.	"(5). Such order granting letters of adoption shall be made upon a standard form supplied by the State Board of Charities and Public Welfare, and shall state whether for the minority



or for the life-time of such child and shall have the effect forthwith to establish the relation of parent and child between the petitioner and the child. A child adopted for its minority shall not be deemed a relative of its adopted parents when determining succession of property to, through or from it. But where adoptions are for life succession by, through, and from adopted children and their adoptive parents shall be the same as if the adopted children were the natural, legitimate children of the adoptive parents. Succession by children adopted for life and their lineal descendants from or through their natural parents or by or through the natural parents from such adopted children or their lineal descendants shall take place only where but for such succession the State of North Carolina would succeed to the intestate's property. Further, for all other purposes whatsoever a child adopted for life and his adoptive parents shall be in the same legal position as they would be if he had been born to his adoptive parents. No defect or irregularity, jurisdictional or otherwise, in an adoption proceedings shall prevent inheritance by a child, adopted for life, who has after the adoption continuously lived as the adopted child of the adoptive parents."

Parent-child relationship established.

Rights of succession to property of foster parents.

Legal position of adopted child.

Inheritance not affected by defect, etc., in proceeding.

SEC. 5. That paragraph numbered (9) of Section one of Chapter two hundred and forty-three of the Public Laws of one thousand nine hundred and thirty-five be stricken out and there be inserted in lieu thereof the following: "In all cases where a juvenile court has declared the parent or parents or guardians unfit to have the care and custody of such child, or has declared the child to be an abandoned child, such parent, parents, or guardians shall not be necessary parties to any action or proceeding under this chapter nor shall their consent be required. But in the event that the child be of age beyond the jurisdiction of the juvenile court, then on notice to the parent, parents, or guardian the court in the adoption proceedings is hereby authorized to determine that an abandonment has taken place, provided that if the parent, parents, or guardian deny that an abandonment has taken place, this issue of fact shall be determined as provided in Section six hundred and thirty-four of the Consolidated Statutes, and if abandonment be determined, then the consent of the parent, parents, or guardian shall not be required."

Sec. 1, Para. 9, amended.

Parents, etc., not necessary parties to adoption proceedings where court finding of unfitness or abandonment made.

SEC. 6. That Section one of Chapter two hundred and forty-three of the Public Laws of one thousand nine hundred and thirty-five be further amended by adding at the end of Section one a paragraph as follows:

Sec. 1, amended further, adding new paragraph.

"(12). When a child is duly adopted pursuant to the provisions of the chapter, the adoptive parents shall not thereafter be deprived of any rights in the child, at the instance of the natural parents or otherwise, except in the same fashion

Rights of foster parents.

and for the same causes as are applicable in proceedings to deprive natural parents of their children."

Partial invalidity  
section.

SEC. 7. That if any section, or part of a section, of this Act shall be declared unconstitutional for any reason, the remainder of the Act shall not be affected thereby.

Construction and  
application of  
Act.

SEC. 8. That the provisions of Section four of this Act excluding the last sentence to-wit: "No defect or irregularity, jurisdictional or otherwise, in any adoption proceedings shall prevent inheritance by a child, adopted for life, who has after the adoption continuously lived as the adopted child of the adoptive parents," and shall apply only to adoptions hereafter made. All other provisions of this Act including the last sentence of Section four quoted above shall apply to all adoptions heretofore and hereafter made. Provided, nothing in this Act shall affect pending litigation. No adoption proceeding heretofore had shall be declared void because of procedural defects therein, and all adoption proceedings heretofore conducted substantially in accordance with the provisions of Chapter two hundred and forty-three of the Public Laws of one thousand nine hundred and thirty-five and the amendments thereto are hereby validated and declared to be as binding as if said procedural defects did not exist.

Conflicting laws  
repealed.

SEC. 9. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed and the provisions of this Act are in lieu thereof.

SEC. 10. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 560

## CHAPTER 282

AN ACT TO AUTHORIZE THE BOARDS OF COUNTY COMMISSIONERS OF THE VARIOUS COUNTIES OF THE STATE TO DEFER REVALUATIONS OF REAL ESTATE UNTIL THE YEAR ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

*The General Assembly of North Carolina do enact:*

Sec. 300, Ch. 310,  
Public Laws,  
1939, amended.

SECTION 1. That Section three hundred of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine be, and the same is hereby, amended by striking out the comma following the word "apply" in line nine thereof, substituting a colon therefor, and adding the following:

"Provided, that the boards of county commissioners of the various counties of the State may, in their discretion, defer or postpone the revaluation and reassessment of real property required herein in the year one thousand nine hundred and forty-one, and all proceedings and actions heretofore taken by said board of county commissioners in any county in the State as to postponement, or as to increases or reductions or by actual appraisal thereof, are hereby in all respects ratified, validated, and confirmed. Any such board of county commissioners may, in its discretion, defer or postpone any such revaluation, reassessment, or reappraisal for the years one thousand nine hundred and forty-two and one thousand nine hundred and forty-three."

Postponement of revaluation and reassessment of real estate, authorized.

SEC. 1½. The provisions of this Act shall not apply to any county for which a revaluation board of assessors or a board of equalization and review has been created or provided for by any Act of the General Assembly of one thousand nine hundred and forty-one; nor shall this Act repeal or affect any Public-Local or Private Act of the General Assembly of one thousand nine hundred and forty-one.

Application of Act.

1941 local or private Acts not repealed.

SEC. 2. That the provisions of this Act shall not apply to Ashe and Rowan Counties.

Act not applicable to Ashe and Rowan Counties.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed: Provided, that nothing in this Act shall be construed as repealing any of the provisions of House Bill one hundred and ninety-two passed at the one thousand nine hundred and forty-one Session of the General Assembly.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 574

## CHAPTER 283

AN ACT TO AMEND COMMITTEE SUBSTITUTE FOR HOUSE BILL NUMBER ELEVEN ENTITLED "A BILL TO BE ENTITLED AN ACT TO AMEND AND SUPPLEMENT THE REVENUE ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE (1939), THE SAME BEING CHAPTER ONE HUNDRED AND FIFTY-EIGHT (158) OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE (1939)," RATIFIED THE TWENTY-EIGHTH DAY OF FEBRUARY, ONE THOUSAND NINE HUNDRED AND FORTY-ONE (1941).

*The General Assembly of North Carolina do enact:*

Sec. 5, Ch. 50,  
Public Laws,  
1941, (H. B. 11),  
amended, cor-  
recting error.

SECTION 1. That Section five of Committee Substitute for House Bill Number eleven entitled "A BILL TO BE ENTITLED AN ACT TO AMEND AND SUPPLEMENT THE REVENUE ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE (1939), THE SAME BEING CHAPTER ONE HUNDRED AND FIFTY-EIGHT (158) OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE (1939)," ratified the twenty-eighth day of February, one thousand nine hundred and forty-one (1941), be and the same is hereby amended by striking out all of that part of Subsection (e) under Article IV, Schedule D of said Section five reading as follows:

"That Subdivision 1 of Section three hundred and seventeen (317) be and the same hereby is amended by striking out the word "proverty" in line five (5) and inserting the word "property" in lieu thereof."

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 576

## CHAPTER 284

AN ACT TO AMEND SECTION FOUR THOUSAND TWO HUNDRED AND EIGHTY-EIGHT OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN RELATIVE TO SECRETING PROPERTY TO HINDER ENFORCEMENT OF LIEN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four thousand two hundred and eighty-eight of the Consolidated Statutes of one thousand nine hundred and nineteen be and the same is hereby amended by changing the period at the end of said section to a colon and adding the following:

C. S. 4288, amended, as to punishment for secreting property to hinder enforcement of lien.

“Provided, that if the amount of the lien is not over fifty dollars (\$50.00), the punishment shall not exceed a fine of fifty dollars (\$50.00) or imprisonment for thirty days: Provided, further, that this amendment shall apply only to Pitt County.”

Amendment applicable to Pitt County, only.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 577

## CHAPTER 285

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIFTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO VIOLATIONS OF THE GAME AND INLAND FISHING LAWS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter three hundred and fifty-two of the Public Laws of one thousand nine hundred and thirty-seven be amended by striking out the word “and” following the word “Lincoln” in line two of said section, and by changing the period immediately following the word “Mecklenburg” in line three of said section to a comma and adding the words “and Pitt.”

Ch. 352, Public Laws, 1937, amended, placing Pitt County under law as to penalties for violations of game laws.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.



H. B. 580

## CHAPTER 286

AN ACT TO PROVIDE FOR RECORDING INSTRUMENTS  
FILED IN THE OFFICE OF THE REGISTER OF DEEDS  
AND OF THE CLERK OF SUPERIOR COURT OF ANY  
COUNTY BY PHOTOGRAPHY.

*The General Assembly of North Carolina do enact:*

Counties author-  
ized to provide  
for photostatic,  
etc., registration  
of legal instru-  
ments.

SECTION 1. That the board of county commissioners of any county is hereby authorized and empowered to provide for photographic or photostatic recording of all instruments filed in the office of the register of deeds and in the office of the clerk of the Superior Court and in other offices of such county where said board may deem such recording feasible. The board of county commissioners may also provide for filing such copies of said instruments in loose leaf binders.

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 581

## CHAPTER 287

AN ACT TO AMEND SECTION ONE THOUSAND SIX  
HUNDRED AND EIGHTY-ONE OF THE CONSOLIDATED  
STATUTES RELATING TO THE PAYMENT FOR DAM-  
AGES BY DOGS TO SHEEP OR OTHER PROPERTY IN  
McDOWELL COUNTY.

*The General Assembly of North Carolina do enact:*

C. S. 1681,  
amended, as to  
liability for dam-  
ages by dogs,  
McDowell County.

SECTION 1. That Section one thousand six hundred and eighty-one of the Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen, that is Section seven of Chapter one hundred and sixteen of Public Laws of one thousand nine hundred and nineteen, be and the same is hereby amended by striking out all of said section after the word "provided" appearing in line three thereof.

Ch. 283, Pub-  
lic Laws, 1931,  
amended, making  
Act inapplicable  
to McDowell  
County.

SEC. 2. That Chapter two hundred and eighty-three of Public Laws of one thousand nine hundred and thirty-one, be and the same is hereby amended by striking out the word "McDowell" appearing in line one of Section two of said Act, to the end that said Act insofar as it relates to McDowell County, be repealed.

SEC. 3. That all laws and clauses and laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall apply to McDowell County only. Application of Act.

SEC. 5. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 590

**CHAPTER 288**

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SIXTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE SO AS TO INCLUDE GROUSE AND WILD TURKEYS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter two hundred and sixty-nine of the Public Laws of one thousand nine hundred and thirty-nine be amended by adding after the word "quail" and before the word "in" in line five the following: "grouse and wild turkeys." Ch. 269, Public Laws, 1939, amended, as to penalty for purchase, sale, etc., of grouse and wild turkeys.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 609

**CHAPTER 289**

AN ACT TO ADOPT AN OFFICIAL STATE FLOWER FOR THE STATE OF NORTH CAROLINA.

WHEREAS, the Dogwood is a radiantly beautiful flower which grows abundantly in all parts of this State; and Preamble: Abundance of Dogwood all over State.

WHEREAS, there is a great demand from all parts of the State that this Legislature adopt an official flower: Now, therefore, Demand for adoption of official State flower.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Dogwood be, and it is hereby, adopted as the official flower of the State of North Carolina. Dogwood adopted as official flower of North Carolina.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 611

## CHAPTER 290

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE REGISTRATION AND SALE OF CANNED DOG FOODS.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 307,  
Public Laws,  
1939, amended,  
as to regulation  
of labelling, sale,  
etc. of canned  
dog food.

SECTION 1. That Section one of Chapter three hundred and seven of Public Laws of one thousand nine hundred and thirty-nine be amended by striking out in line five, following the comma, after the word "foods" the words "shall be in cans of one pound or multiples thereof" and inserting in lieu thereof the words "shall be in cans of one-half pound, or one pound, or multiples of one pound"; and that Section one be further amended by striking out, after the comma following the word "protein" in line twelve, the words "and the percentage of moisture,"; and that Section one be again further amended by striking out the word "four" in line thirteen, following the word "all," and inserting in lieu thereof the word "three."

Sec. 3, amended,  
as to labelling of  
canned dog food.

SEC. 2. That Section three of Chapter three hundred and seven Public Laws of one thousand nine hundred and thirty-nine be amended by inserting in line six, after the comma following the word "act" the words "giving in addition the percentage of moisture contained in said products,".

Conflicting laws  
repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 15th day of March, 1941.

H. B. 618

## CHAPTER 291

AN ACT TO AMEND SECTION FIVE THOUSAND ONE HUNDRED AND TWENTY-FOUR OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA RELATING TO TOBACCO WAREHOUSE COMMISSIONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section five thousand one hundred and twenty-four of the Consolidated Statutes of North Carolina be amended by placing a colon in the place of a period at the end of said section and adding thereto the following: "Provided, that tobacco warehouses selling burley tobacco only may charge commissions on the gross sales of burley leaf tobacco not to exceed four per centum."

C. S. 5124, amended, as to maximum tobacco warehouse handling charges.

Maximum charges on burley leaf tobacco sales.

SEC. 2. That this Act shall be in force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this 15th day of March, 1941.

H. B. 624

## CHAPTER 292

AN ACT TO AMEND CONSOLIDATED STATUTES TWO THOUSAND SIX HUNDRED AND EIGHTY-EIGHT, VOLUME ONE, ONE THOUSAND NINE HUNDRED AND NINETEEN, RELATING TO THE SALE OF MUNICIPAL PROPERTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Consolidated Statutes two thousand six hundred and eighty-eight, Volume one, one thousand nine hundred and nineteen, be, and the same is hereby, amended to read as follows:

C. S. 2688, amended.

"The mayor and commissioners of any city or town shall have power at all times to sell either at public or private sale any property, real or personal, belonging to any such city or town and apply the proceeds as they may think best."

Power of governing officials to sell municipal property.

SEC. 2. That this Act shall apply only to Alexander and Washington Counties.

Application of Act.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 15th day of March, 1941.

## H. B. 625

## CHAPTER 293

## AN ACT TO PERMIT THE DESTRUCTION OF SURRENDERED COUNTY BONDS.

*The General Assembly of North Carolina do enact:*

Destruction of  
surrendered  
bonds of  
Counties.

Permanent list  
made and pre-  
served.

Information  
shown.

Bonds burned.  
Witnesses.

Certificate of  
destruction.

Conflicting laws  
repealed.

SECTION 1. All surrendered county bonds may, in the discretion of the board of county commissioners, be destroyed. Before such bonds are destroyed, the county treasurer shall make a correct descriptive list of all bonds of the county surrendered, in a substantially bound book to be kept by him for that purpose, which list shall include the number, date and amount of each bond and the purpose for which it was issued, when this can be ascertained; and after such list shall be made, the surrendered bonds shall be destroyed by burning in the presence of the chairman of the board of county commissioners, the county accountant or treasurer or auditor, the county attorney, the secretary of the board of county commissioners and the county superintendent of public instruction, who shall each certify under his hand in such book that he saw such described bonds so burned and destroyed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 628

## CHAPTER 294

## AN ACT RELATING TO THE MANNER OF EXECUTION OF CONVEYANCES BY CORPORATIONS OWNED BY THE UNITED STATES GOVERNMENT.

*The General Assembly of North Carolina do enact:*

Manner of  
execution of  
deeds by H. O.  
L. C., and other  
corporations hav-  
ing U. S. Gov-  
ernment as prin-  
cipal stockholder.

SECTION 1. The Home Owners' Loan Corporation and any corporation, the majority of whose stock is owned by the United States Government, may convey lands, and/or other property which is transferrable by deed which is duly executed by either an officer, manager, or agent of said corporation, sealed with the common seal and has attached thereto a signed and attested resolution under seal of the board of directors of said corporation authorizing the said officer, manager, or agent to execute, sign, seal and attest deeds, conveyances and/or other instruments.

Certain instru-  
ments heretofore  
executed, vali-  
dated.

All deeds, conveyances and/or other instruments which have been heretofore executed in the manner prescribed above, if



otherwise sufficient, shall be valid, and shall have the effect to pass the title to the real and/or personal property described therein.

SEC. 2. To the extent as modified in Section one of this Act the provisions of Consolidated Statutes one thousand one hundred and thirty-eight shall not apply to conveyances executed by the corporations herein referred to.

Application of  
C. S. 1138.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 650

## CHAPTER 295

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, SO AS TO PROVIDE CERTAIN BENEFITS OF THE WORKMEN'S COMPENSATION ACT FOR PRISONERS INJURED WHILE ENGAGED IN HIGHWAY WORK.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred and twenty, as amended, be and the same is hereby further amended by striking out Subsection (c) of Section fourteen and inserting in lieu thereof the following new Subsection (c):

Sec. 14, Ch. 120,  
Public Laws,  
1929, amended.

“(c) This act shall not apply to prisoners being worked by the State or any subdivision thereof, except to the following extent: Whenever any prisoner assigned to the State Highway and Public Works Commission shall suffer accidental injury arising out of and in the course of the employment to which he had been assigned, if the results of such injury continue until after the date of the lawful discharge of such prisoner to such an extent as to amount to a disability as defined in this act, then such discharged prisoner may have the benefit of this act by applying to the Industrial Commission as any other employee; provided, such application is made within twelve months from the date of discharge; and provided, further, that the maximum compensation to any prisoner shall not exceed fifteen dollars per month and the period of compensation shall relate to the date of his discharge rather than to the date of the accident, and prisoners who have been discharged prior to the passage of this act who are covered by the terms of the act may have twelve months from the date of the ratification of

Benefits of Work-  
men's Compensa-  
tion Act for  
prisoners assigned  
to highway work,  
for certain in-  
juries.

Application to  
Industrial Com-  
mission.

Limitation of  
time.

Maximum com-  
pensation.

Period of com-  
pensation.

## Computation.

## Exceptions as to benefits.

## Effect of subsequent conviction.

## Payment of compensation.

this act in which to apply for its benefits, but as to such prisoners their compensation shall be computed only from the date of their application and shall not be cumulative for any prior period; and no award shall be made for facial disfigurement, and no award other than burial expenses shall be made for any prisoner whose accident results in death; and no award shall be made for any injury where there is no apparent or outward physical evidence of such injury, unless it is clearly established by medical opinion and supporting testimony that the matter complained of results solely from the accident arising out of and in the course of employment. If any person who has been awarded compensation under the provisions of this section shall be recommitted to prison upon conviction for an offense committed subsequent to the award, such compensation shall immediately cease and determine."

SEC. 2. That any awards made under the terms of this amendment shall be paid by the State Highway and Public Works Commission from the funds available for the operation of the Prison Department.

SEC. 3. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 651

## CHAPTER 296

AN ACT TO AUTHORIZE CITIES, TOWNS AND COUNTIES TO MAKE APPROPRIATIONS FOR THE ACQUISITION, MAINTENANCE AND REPAIR OF BUILDINGS TO HOUSE EXISTING JOINT CITY AND COUNTY HEALTH DEPARTMENTS.

*The General Assembly of North Carolina do enact:*

Local governmental units authorized to make appropriations for joint city and county health departments.

## Levy of taxes.

Conflicting laws repealed.

SECTION 1. The governing authorities of all cities, towns and counties of North Carolina shall have the power and authority to appropriate annually and from time to time public moneys for the maintenance and operation of boards of health which have heretofore been created and are existing as joint city and county boards of health, and to appropriate annually and from time to time public funds for the purchase, acquisition, erection, maintenance, alteration and repair of a building or buildings necessary to house and quarter such joint county and city health department, and to levy special taxes therefor, for which the special approval of the General Assembly is hereby given.

SEC. 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 659

## CHAPTER 297

AN ACT TO AMEND ARTICLE SIX OF CHAPTER ONE HUNDRED AND EIGHTEEN OF THE CONSOLIDATED STATUTES, RELATING TO BIRTH CERTIFICATES AND TO CERTIFICATES OF IDENTIFICATION FOR FOUNDLINGS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Article six of Chapter one hundred and eighteen of the Consolidated Statutes of one thousand nine hundred and nineteen be amended by inserting a new section after Section seven thousand one hundred and eight and before Section seven thousand one hundred and nine, to be numbered seven thousand one hundred and eight and one-half, and to read as follows:

C. S., Ch. 118, Art. VI, amended, as to Vital Statistics.

New section added.

"7108½. Upon the entry of a judgment determining the paternity of an illegitimate child, the Clerk of the Court in which such judgment is entered shall notify in writing the State Registrar of Vital Statistics of the name of the person against whom such judgment has been entered, together with such other facts disclosed by the record as may assist in identifying the record of the birth of the child as the same may appear in the office of the said Registrar. If such judgment shall thereafter be modified or vacated, that fact shall be reported by the Clerk to the State Registrar in the same manner."

C. S. C. directed to furnish State Registrar with facts as to paternity of illegitimate children, judicially determined.

SEC. 2. That Section seven thousand one hundred and five of the Consolidated Statutes of one thousand nine hundred and nineteen be amended by changing the period to a colon after the word "witnessed" in lines seventeen and eighteen and inserting the following:

C. S. 7105, amended, as to birth certificates.

"Provided, that a new certificate of birth shall be made by the State Registrar whenever:

Issuance of new certificates by State Registrar, in stated cases.

(a) Proof is submitted to the State Registrar that the previously unwed parents of a person have intermarried subsequent to the birth of such person;

(b) When notification is received by the State Registrar from the clerk of a court of competent jurisdiction of a judgment, order, or decree disclosing different or additional information relating to the parentage of a person;

(c) Satisfactory proof is submitted to the State Registrar that there has been entered in a court of competent jurisdiction a judgment, order, or decree disclosing different or additional information relating to the parentage of a person.

Substitution of new certificate for one on file.

Notice to local registrar, etc.

Original certificate and papers relating to new certificate sealed.

Certified copies of new certificate furnished.

"When a new certificate of birth is made the State Registrar shall substitute such new certificate for the certificate of birth then on file, if any, and shall notify the local registrar, or the Registrar of Deeds, providing the copy has been filed with him, that a new certificate of birth has been made and such facts shall be noted on the copy of the certificate of birth on file, if any. The State Registrar shall place the original certificate of birth and all papers pertaining to the new certificate of birth under seal. Such seal shall not be broken except by an order of a court of competent jurisdiction. Thereafter, when a certified copy of the certificate of birth of such person is issued, it shall be a copy of the new certificate of birth, except when an order of a court of competent jurisdiction shall require the issuance of a copy of the original certificate of birth."

Ch. 118, Art. 6, further amended.

SEC. 3. That Article six of Chapter one hundred and eighteen of the Consolidated Statutes of one thousand nine hundred and nineteen be amended by inserting a new section after Section seven thousand one hundred and four and before Section seven thousand one hundred and five to be numbered seven thousand one hundred and four and one-half and to read as follows:

Certificates of identification in lieu of birth certificate where parentage cannot be established.

Form and contents.

"7104½. A certificate of identification for a foundling child whose parentage cannot be established shall be filed with the local registrar of Vital Statistics of the district in which the child was found by the juvenile court which determines that the child is a foundling. This certificate of identification shall contain such information and be in such form as the State Board of Health may prescribe and shall serve in lieu of a birth certificate."

C. S. 7111, amended, as to fees for certified copies of records.

SEC. 4. That Section seven thousand one hundred and eleven of the Consolidated Statutes of one thousand nine hundred and nineteen be amended by striking out the following words in the eighth and ninth lines of said section:

"not exceeding two cents for each certificate,".

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 662

## CHAPTER 298

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWENTY-EIGHT PUBLIC LAWS ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE ENTITLED "AN ACT TO ESTABLISH FUNDS TO PROVIDE SECURITY FOR THE PAYMENT OF BENEFITS IN EVENT OF THE INSOLVENCY OF AN INSURANCE CARRIER AUTHORIZED TO WRITE WORKMEN'S COMPENSATION INSURANCE IN THIS STATE, AND TO PROVIDE FOR THE ADMINISTRATION THEREOF."

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter two hundred and twenty-eight Public Laws of one thousand nine hundred and thirty-five be, and the same is hereby amended by adding after the word "association" and before the word "authorized" in line two of the paragraph entitled "Mutual Carrier" in Section two of said chapter the following: "and any reciprocal or inter-insurance exchange."

Ch. 228, Public Laws, 1935, amended, as to definition of "Mutual Carrier," as used in Act.

SEC. 2. That said chapter be amended further by adding at the end of Section eleven, a new sentence as follows: "Any reciprocal or inter-insurance exchange writing workmen's compensation insurance in North Carolina on September first, one thousand nine hundred and thirty-five and continuing to underwrite this class of insurance shall, upon the fund reaching its maximum contribution and the discontinuance of any collection thereof, continue to pay into said mutual fund as provided in this section for a period of six years after the other members of the mutual fund have discontinued said payments in order to equalize the contribution of all members of the mutual fund, and thereafter such reciprocal or inter-insurance exchanges shall be subject to the provisions of this section."

Sec. 11, amended, as to payments by reciprocal exchange, etc., into mutual fund.

Continuance of payments to equalize contributions.

When exchanges subject to section.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.



H. B. 671

CHAPTER 299

AN ACT AUTHORIZING THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION TO FURNISH SUCH EQUIPMENT AND FACILITIES AS MAY BE NECESSARY TO AID TOWNS AND VILLAGES IN THE MAINTENANCE OF THE DIRT STREETS IN SAID TOWNS AND VILLAGES.

*The General Assembly of North Carolina do enact:*

State Highway and Public Works Commission authorized to furnish road equipment to municipalities.

SECTION 1. That the State Highway and Public Works Commission be, and it is hereby authorized, to furnish municipalities road maintenance equipment to aid such municipalities in the maintenance of streets for which no State highways funds are provided, upon such rental agreement as may be agreed upon by the State Highway and Public Works Commission and the said municipality. Such rental, however, to be at least equal to the cost of operation, plus wear and tear on such equipment; and the State Highway and Public Works Commission shall not be required to furnish equipment when to do so would interfere with the maintenance of the streets and highways under the control of said commission.

Rental.

When Commission under no duty to furnish equipment.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 681

CHAPTER 300

AN ACT FOR THE ESTABLISHMENT OF A MONUMENT IN THE TOWN OF VALDESE TO COMMEMORATE THE FOUNDING OF THE TOWN OF VALDESE AND TO PERPETUATE THE MEMORY OF THE EARLY SETTLERS.

Preamble: Establishment of Waldensian Colony in Burke County, North Carolina.

WHEREAS, on the twenty-ninth day of May, one thousand eight hundred and ninety-three, and on the twenty-third day of November, one thousand eight hundred and ninety-three, a small band of people from the Waldensian Valleys of Italy, descendants of the oldest Protestant race in the world, liberty loving, God-fearing men and women who had fled into the valley of the Alps across the French border more than eighteen hundred years before to escape religious persecution, established in Burke County, North Carolina, a colony for the purpose of securing unto themselves and their children in the new world an opportunity to enjoy the freedom guaranteed to

the people of the United States of America by its Constitution; and

WHEREAS, today on the site selected by these early pioneers, there is a thriving industrial town, whose manufacturing plants and business establishments, representing an investment of more than ten million dollars, providing an opportunity not only for the descendants of the early pioneers, but also for the natives of Burke County and North Carolina, to gain a livelihood and to enjoy the democratic way of life: Now, therefore,

Thriving industrial town now located on site selected by pioneers.

Opportunities.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in order to commemorate and preserve as a memorial for the benefit and inspiration of the people of this State, there shall be erected in the Town of Valdese, on a suitable site to be selected by the committee hereinafter designated, a suitable monument, which shall commemorate the courage, character and perseverance of the founders of the Waldensian Colony, which monument shall be completed in time for the celebration of the fiftieth anniversary of the founding of the Waldensian Colony.

Erection of monument in memory of Waldensian Colony in Town of Valdese.

Time for completion.

SEC. 2. That in the selection and construction of a suitable memorial, the following people shall comprise a committee for that purpose, to-wit: The Chairman and Secretary of the State Historical Commission; the Mayor of the Town of Valdese; the Chairman of the Board of County Commissioners for the County of Burke; the Honorable W. C. Ervin, lifelong friend and counsellor of the Waldensians; the Honorable S. J. Ervin, Jr., one of the Judges of the Superior Court and historian of Burke County; Reverend Sylvan S. Poet, pastor of the Waldensian Presbyterian Church; and Lee Ribet, O. H. Pons, A. F. Garrou, J. P. Rostan, Henry Grill, Reverend John Pons, Frank Pascal, John Guigou, John Refour and Fred Peyronel, direct descendants of the first settlers; and that Lee Ribet shall be Chairman of said Committee.

Appointment of committee for selection and construction of memorial.

SEC. 3. That the Board of Commissioners of the County of Burke and the Board of Commissioners of the Town of Valdese be, and they are hereby, authorized to make such appropriations as they may deem expedient, to assist in the construction of the memorial herein provided for.

Governing boards of Burke County and Town of Valdese, authorized to make appropriations for purpose.

SEC. 4. That the Governor be and he is hereby authorized to appoint, if he himself is unable to attend, a representative for himself and the State of North Carolina to attend and participate in the dedication of this memorial.

Representative of Governor authorized to attend dedication.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 701

## CHAPTER 301

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND TWENTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE AUTHORIZING ANY COUNTY OR CITY ADMINISTRATIVE UNIT TO WITHDRAW FROM THE STATE RENTAL TEXTBOOK SYSTEM AND TO ACQUIRE TITLE TO RENTAL TEXTBOOKS WHICH HAVE BEEN PAID FOR IN FULL BY RENTALS.

*The General Assembly of North Carolina do enact:*

Ch. 422, Public Laws, 1935, amended.

SECTION 1. That Chapter four hundred and twenty-two of the Public Laws of one thousand nine hundred and thirty-five be amended by adding at the end of Section two an additional subsection, to be Subsection eight (8), which shall read as follows:

Right of local school units to withdraw from textbook rental system and become owner of books.

“(8) Whenever any county or city administrative unit has paid over to the State Textbook Purchase and Rental Commission, in rentals, a sum equal to the price fixed by said Commission for the sale of rental textbooks, said county or city administrative unit may, at its option, with the approval of the Commission, withdraw from the textbook rental system set up under rules and regulations adopted by the Commission, and upon such withdrawal, shall become the absolute owner of all such textbooks for which the purchase price has been paid in full to the said Commission.”

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 680

## CHAPTER 302

AN ACT TO AMEND SENATE BILL NUMBER ONE HUNDRED AND THIRTY-THREE, CHAPTER TWO HUNDRED AND FORTY-TWO, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, IN REGARD TO WORLD WAR ORPHANS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the benefits of the provisions of Chapter two hundred and forty-two of the Public Laws of one thousand nine hundred and thirty-seven, as amended, shall be extended to and may be availed of by any child whose father was a resident of the State of North Carolina at the time said father entered the armed forces of the United States and whose father was, prior to his death, or is at the time the benefits of this Act are sought to be availed of, suffering from a service connected disability of thirty per cent or more as rated by the United States Veterans Administration; provided, that such educational benefits to such children of partially disabled veterans shall be limited to not more than five children in any one school year and; provided further, that if more than five children of such partially disabled veterans apply for the benefits of this Act in any one school year the State Superintendent of Public Instruction shall designate the five children who shall receive such benefits.

Ch. 242, Public Laws, 1937, as to free educational advantages for World War orphans.

Extension of benefits to certain children.

Limitation of number from same family.

SEC. 2. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 872

## CHAPTER 303

AN ACT TO AMEND CHAPTER EIGHTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE TO PROVIDE FOR THE TRANSFER TO THE SUPERIOR COURT OF ALL CASES IN THE COUNTY CRIMINAL COURT OF ONSLOW COUNTY, WHEN SAME IS ESTABLISHED, IN WHICH A JURY TRIAL IS DEMANDED.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section eleven, of Chapter eighty-nine of the Public Laws of one thousand nine hundred and thirty-one be and the same is hereby amended by striking out the period at the end of said section and inserting in lieu thereof a semicolon and adding thereto the following:

Ch. 89, Public Laws, 1931, amended, as to County Criminal Court, Onslow County.

Transfer of jury cases to Superior Court for trial.

"Provided, however, that if a County Criminal Court is established in Onslow County, the foregoing provision relative to jury trials shall not apply to the County Criminal Court of Onslow County and when a jury trial is demanded in the County Criminal Court of Onslow County, by either the State or the defendant, the cause shall be immediately transferred to the criminal trial docket of the Superior Court of Onslow County for trial at the next succeeding criminal term of the Onslow County Superior Court, and the Superior Court of Onslow County shall thereupon become vested with jurisdiction for the trial of said case."

Appointment of judge and solicitor.

SEC. 1½. The board of county commissioners shall have the right and are hereby authorized and empowered to appoint any qualified elector in North Carolina as judge or solicitor of the County Criminal Court of Onslow County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act to the extent of such conflict are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 707

## CHAPTER 304

### AN ACT TO AMEND SECTION FIVE THOUSAND NINE HUNDRED AND THIRTY-TWO OF THE CONSOLIDATED STATUTES RELATING TO THE COMPENSATION OF REGISTRARS AND JUDGES OF ELECTIONS.

*The General Assembly of North Carolina do enact:*

C. S. 5932, amended.

Compensation of Registrars and Election Judges.

SECTION 1. That Section five thousand nine hundred and thirty-two of the Consolidated Statutes of North Carolina be amended by adding the following at the end thereof: "Provided, further, that the Registrars and Judges of Elections shall receive the same compensation for attending any meeting called by the Chairman of the County Board of Elections relating to their duties in any primary or election."

Application of Act.

SEC. 2. That the provisions of this Act shall not apply to Beaufort, Chowan, Hyde and Person Counties.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.



H. B. 708

## CHAPTER 305

AN ACT TO AMEND SECTION FIVE THOUSAND NINE HUNDRED AND TWENTY-FIVE OF THE CONSOLIDATED STATUTES SO AS TO INCREASE THE COMPENSATION OF THE CHAIRMEN OF THE COUNTY BOARDS OF ELECTIONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section five thousand nine hundred and twenty-five of the Consolidated Statutes of North Carolina be amended by adding the following at the end of the last paragraph thereof:

C. S. 5925,  
amended.

“Provided, that the chairman of a county board of elections shall receive for his services, when actually engaged in the discharge of his duties, the sum of five dollars (\$5.00) per day.”

Compensation of  
Chairman of  
County Boards of  
Elections.

SEC. 2. That the provisions of this Act shall not apply to Currituck, Hyde, Iredell and Nash Counties.

Application of  
Act.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 712

## CHAPTER 306

AN ACT TO AMEND CONSOLIDATED STATUTES SIX THOUSAND ONE HUNDRED AND FORTY-ONE, VOLUME TWO, ONE THOUSAND NINE HUNDRED AND NINETEEN, SO AS TO INCREASE THE MEMBERSHIP OF THE NORTH CAROLINA HISTORICAL COMMISSION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Consolidated Statutes six thousand one hundred and forty-one, Volume two, one thousand nine hundred and nineteen, be, and the same is hereby, amended by striking out after the word “than” and before the word “persons” in line two, the word “five,” and inserting in lieu thereof the word “seven.”

C. S. 6141,  
amended, increas-  
ing members of  
State Historical  
Commission.

SEC. 2. That Consolidated Statutes six thousand one hundred and forty-one, Volume two, one thousand nine hundred and nineteen, be, and the same is hereby, further amended by striking out in line two after the word “whom” and before the

C. S. 6141, amend-  
ed further, as to  
quorum at meet-  
ings of Com-  
mission.

word "shall" the word "three," and inserting in lieu thereof the word "four."

Appointment and terms of added members.

SEC. 3. One member to be appointed under this Act shall serve for a term of four years, and the other member shall be appointed to serve for a term of six years, and until their successors are appointed and qualified; and thereafter their successors shall be appointed by the Governor and shall serve for a term of six years and until their successors are appointed and qualified.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 731

## CHAPTER 307

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE NORTH CAROLINA RURAL REHABILITATION CORPORATION.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 241, Public Laws, 1939, amended, as to N. C. Rural Rehabilitation Corp. loan fund.

SECTION 1. That Section one of Chapter two hundred and forty-one of the Public Laws of one thousand nine hundred and thirty-nine be amended by inserting between the words "any" and "income" in line eight the word "net."

Sec. 6, amended, as to funds for loans to rural social science students.

SEC. 2. That Section six of Chapter two hundred and forty-one of the Public Laws of one thousand nine hundred and thirty-nine be amended by inserting between the words "used" and "for" in line five the following words: ", together with any net income accruing thereon,".

Sec. 7, amended, as to creation of fund for administrative expenses of corporation.

SEC. 3. That Section seven of Chapter two hundred and forty-one of the Public Laws of one thousand nine hundred and thirty-nine be, and the same is hereby, amended by striking out the period after the word "Corporation" at the end of the section, inserting in lieu thereof a comma, and adding the following words: "and after said administrative expense fund has been exhausted the expenses of the corporation shall be paid out of income from the vocational building loan fund and the social work student loan fund herein provided."

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 736

## CHAPTER 308

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FORTY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, TO PREVENT CONFLICT WITH PROVISIONS OF CHAPTER TWO HUNDRED AND FORTY-THREE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three of Chapter three hundred and forty-three of the Public Laws of one thousand nine hundred and twenty-nine be and the same is hereby amended by striking out all of Subsection (g) and by relettering the subsequent subsections of said Section to follow in alphabetical order.

Ch. 343, Public Laws, 1929, amended as to jurisdiction of Domestic Relations Courts.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 741

## CHAPTER 309

AN ACT TO PROMOTE THE SANITATION OF HOTELS, CAFES, RESTAURANTS, TOURISTS HOMES, TOURIST CAMPS, SUMMER CAMPS, AND ALL OTHER ESTABLISHMENTS PROVIDING FOOD AND LODGING TO THE PUBLIC FOR PAY.

*The General Assembly of North Carolina do enact:*

SECTION 1. For the better protection of the public health, the State Board of Health is hereby authorized, empowered, and directed to prepare and enforce rules and regulations governing the sanitation of hotels, cafes, restaurants, tourist homes, tourist camps, summer camps, lunch and drink stands, sandwich manufacturing establishments, and all other establishments where food is prepared, handled, and served to the public at wholesale or retail for pay, or where transient guests are served food or provided with lodging for pay. The State Board of Health is also authorized, empowered, and

State Board of Health, authorized to regulate sanitary conditions of hotels, cafes, etc.

System of grading.

directed to prepare a system of grading all such places, and no such establishment shall operate which receives a grade less than C.

#### Inspections.

Duty of managers of hotels, etc., to render assistance to agents of Board.

Copy of inspection report and grade card left with management.

Posting of grade card; removal prohibited.

Violation of Act made misdemeanor.

#### Punishment.

Conflicting laws repealed.

SEC. 2. The officers, sanitarians or agents of the State Board of Health are hereby empowered and authorized to enter any hotel, cafe, restaurant, tourist home, tourist camp, summer camp, lunch and drink stand, sandwich manufacturing establishment, and all other establishments where food is prepared, handled or served to the public at wholesale or retail for pay, or where transient guests are served food or provided lodging for pay, for the purpose of making inspections, and it is hereby made the duty of every person responsible for the management or control of such hotel, cafe, restaurant, tourist home, tourist camp, summer camp, lunch and drink stand, sandwich manufacturing establishment, or other establishment to afford free access to every part of such establishment, and to render all aid and assistance necessary to enable the sanitarians or agents of the State Board of Health to make a full, thorough, and complete examination thereof, but the privacy of no person shall be violated without his or her consent. It shall be the duty of the sanitarian or agent of the State Board of Health to leave with the management, or person in charge at the time of the inspection, a copy of his inspection and a grade card showing the grade of such place, and it shall be the duty of the management, or person in charge, to post said card in a conspicuous place where it may be readily observed by the public. Such grade card shall not be removed by anyone, except an authorized sanitarian or agent of the State Board of Health, or upon his instruction.

SEC. 3. Any owner, manager, agent, or person in charge of a hotel, cafe, restaurant, tourist home, tourist camp, summer camp, lunch and drink stand, sandwich manufacturing establishment, or any other establishment where food is prepared, handled, or served to the public at wholesale or retail for pay, or where transient guests are served food or provided with lodging for pay, or any other person who shall willfully obstruct, hinder, or interfere with a sanitarian, agent, or officer of the State Board of Health in the proper discharge of his duty, or who shall be found guilty of violating any of the other provisions of this Act, or any of the rules and regulations that may be provided under this Act, shall be guilty of misdemeanor, and upon conviction shall be fined not less than ten (\$10.00) dollars, nor more than fifty (\$50.00) dollars, or imprisoned for not more than thirty days, and each day that he shall fail to comply with this Act, or operate a place with a rating of less than a grade of C shall be a separate offense.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 768

## CHAPTER 310

AN ACT TO AMEND SECTION THREE THOUSAND FOUR HUNDRED AND ELEVEN (L) OF VOLUME THREE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA AS AMENDED, RELATING TO THE DISPOSITION OF LIQUOR SEIZED UNDER SEARCH WARRANTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three thousand four hundred and eleven (L) of Volume three of the Consolidated Statutes of North Carolina as amended by Chapter twelve of the Public Laws of one thousand nine hundred and thirty-nine is further amended so that the third sentence and the proviso at the end of said section will hereafter read as follows: "All liquor seized under this Section shall be held and shall upon the acquittal of the person so charged be returned to the established owner, and shall within ten days from conviction or default of appearance of such person be destroyed: Provided that any tax-paid liquor so seized shall within ten days be turned over to the Board of County Commissioners, which shall within ninety days from the receipt thereof turn it over to hospitals for medicinal purposes, or sell it to legalized alcoholic beverage control stores within the State of North Carolina, the proceeds of such sale being placed in the school fund of the county in which such seizure was made, or destroy it."

C. S. 3411(L), amended, as to disposition of liquor seized under search warrant.

Tax-paid liquor.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.



## H. B. 772

## CHAPTER 311

AN ACT TO APPROPRIATE TWO HUNDRED AND FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND OF THE STATE TO THE CONTINGENCY AND EMERGENCY FUND FOR EACH YEAR OF THE COMING BIENNIUM.

Preamble:  
Possibility of increase in commodity prices, etc.

WHEREAS, due to the uncertain world conditions and the resultant possible increase in prices of commodities and living conditions; and

Need of additional funds to meet requirements of departments, etc., foreseen.

WHEREAS, should such increases occur it is entirely possible that additional funds may be needed in the Contingency and Emergency Fund to meet the requirements of the various institutions, agencies, and departments in order to supply the urgent needs of such agencies, institutions, and departments to prevent suffering and enable the State to proceed with the program outlined by the General Assembly for the coming biennium. In case such a contingency and emergency should arise, it is thought necessary that additional funds be made available to meet such needs: Now, therefore,

*The General Assembly of North Carolina do enact:*

Appropriation of \$250,000 from General Fund to Contingency and Emergency Fund.

SECTION 1. That there is hereby appropriated the sum of two hundred and fifty thousand dollars (\$250,000.00) from the General Fund of this State for the year one thousand nine hundred and forty-one—one thousand nine hundred and forty-two, and the sum of two hundred and fifty thousand dollars (\$250,000.00) for the year one thousand nine hundred and forty-two—one thousand nine hundred and forty-three, to the Contingency and Emergency Fund.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 773

## CHAPTER 312

AN ACT TO FACILITATE THE PROOF OF DATES AND THE RECKONING OF TIME IN ACTIONS AND PROCEEDINGS.

Preamble:  
Necessity for determining days of certain dates, etc., in legal proceedings.

WHEREAS, it is often necessary in actions and proceedings in the courts of the State and before commissions and other administrative and fact finding bodies to determine the day of the week upon which a particular date fell or will fall, or

the particular date upon which a given day of the week fell or will fall, or otherwise to compute or reckon dates and days of the week, month and year both in past years and future years; and

WHEREAS, such reliable information is not always readily available for presentation to the court or other fact finding body; and

Reliable information not always available.

WHEREAS, E. B. Clark, of Weldon, North Carolina, has prepared a complete calendar, in ready reference form, covering the years from one thousand seven hundred and fifty-three to two thousand and two, Anno Domini, inclusive; and the said E. B. Clark offers the use of said calendar to the State for the purpose of this Act without request for or expectation of any compensation from the State; and

Calendar prepared by E. B. Clark, covering years, 1753-2002, inclusive.

Offered to State.

WHEREAS, this calendar has been verified by the State Auditor, and has been found to be correct and accurate in every detail, and a reliable source for obtaining information: Now, therefore,

Calendar verified and found correct.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in any controversy or inquiry in any court or before any fact finding board, commission, administrative agency or other body, where it becomes necessary or pertinent to determine any information which may be established by reference to a calendar for any year between the years one thousand seven hundred and fifty-three and two thousand and two, Anno Domini, inclusive, it is permissible to introduce in evidence "Clark's Calendar, A Calendar Covering 250 Years, 1753 A. D. to 2002 A. D.", as supplemented, copyrighted, 1940, by E. B. Clark, Entry: Class AA, Number three hundred and twenty-eight thousand five hundred and seventy-three, Copyright Office of the United States of America, Washington, or any reprint of said one thousand nine hundred and forty edition certified by the Secretary of State to be an accurate copy thereof; and such calendar or reprint, when so introduced, shall be prima facie evidence that the information disclosed by said calendar or reprint thereof is true and correct.

Clark's calendar, made competent in evidence in court and other proceedings.

Evidentiary value.

SEC. 2. That nothing herein shall be construed to impose any liability or obligation on the part of the State of North Carolina to E. B. Clark or his personal representatives, heirs or assigns on account of the operation of this Act.

State not obligated to E. B. Clark.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 744

## CHAPTER 313

AN ACT TO APPROPRIATE THE SUM OF THREE THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$3,750.00) FOR THE YEAR ONE THOUSAND NINE HUNDRED AND FORTY-ONE-ONE THOUSAND NINE HUNDRED AND FORTY-TWO, AND THE SUM OF FIVE THOUSAND DOLLARS (\$5,000.00) FOR THE YEAR ONE THOUSAND NINE HUNDRED FORTY-TWO - ONE THOUSAND NINE HUNDRED AND FORTY-THREE OF THE COMING BIENNIUM TO THE PYTHIAN ORPHANAGE.

*The General Assembly of North Carolina do enact:*

Appropriations  
for the Pythian  
Home,  
Orphanage.

SECTION 1. That there is hereby appropriated out of the emergency and contingency fund of this State for the coming biennium the sum of three thousand seven hundred and fifty dollars (\$3,750.00) for the year one thousand nine hundred and forty-one - one thousand nine hundred and forty-two, and the sum of five thousand dollars (\$5,000.00) for the year one thousand nine hundred and forty-two - one thousand nine hundred and forty-three, to the orphanage known as The Pythian Home, situated in Clayton, Johnston County, North Carolina.

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 787

## CHAPTER 314

AN ACT TO MAKE IT UNNECESSARY TO REGISTER OR RECORD CERTAIN RIGHT OF WAY EASEMENTS IN CARTERET COUNTY.

*The General Assembly of North Carolina do enact:*

Registration of  
instruments con-  
veying easements  
to Electric Mem-  
bership Corp-  
orations, unnec-  
essary.

SECTION 1. That it shall not be necessary to register or record instruments hereafter executed, or heretofore executed and not registered or recorded, conveying right of way easements to any electric membership corporation or cooperative formed and operating in the State of North Carolina under authority of Chapter thirty-one A of the Consolidated Statutes of North Carolina (Michie's Code) and known as the Electric Membership Corporation Act.

Application of  
Act.

SEC. 2. This Act shall apply to the Counties of Pitt, Greene, Craven, Pamlico, Carteret, Onslow, and Hoke.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 788

### CHAPTER 315

#### AN ACT TO PROVIDE FOR THE USE OF SCHOOL BUSES IN TRANSPORTING CHILDREN IN EMERGENCY CASES TO HOSPITALS FOR MEDICAL TREATMENT.

*The General Assembly of North Carolina do enact:*

SECTION 1. Amend Section twenty-four, Chapter three hundred and fifty-eight, Public Laws of one thousand nine hundred and thirty-nine, by striking out the period at the end of the first paragraph and adding a colon and the following proviso: "In cases of sudden illness or injury requiring immediate medical attention of any child or children while attending the public schools, the principal of the school may send the child or children by school bus, if no other vehicle is available, to the nearest doctor or hospital for medical treatment; provided the expense of such transportation shall be paid from county funds."

Ch. 358, Public Laws, 1939, amended, providing for use of school busses to carry children to hospitals in emergencies.

SEC. 2. This Act shall be in effect from and after ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 789

### CHAPTER 316

#### AN ACT TO AMEND SECTION NINE HUNDRED AND FIFTY-SIX OF VOLUME ONE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED BY CHAPTER ONE HUNDRED AND FIFTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE AND CHAPTER NINETY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO REPORTS OF CLERKS OF THE SUPERIOR COURTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section nine hundred and fifty-six of Volume one of the Consolidated Statutes of one thousand nine C. S. 956, amended.

hundred and nineteen, as amended by Chapter one hundred and fifty-six of the Public Laws of one thousand nine hundred and thirty-one and by Chapter ninety-two of the Public Laws of one thousand nine hundred and thirty-nine be further amended by rewriting the proviso at the end of said section to read as follows: "Provided, that in the event the accounts of the Clerks of the Superior Courts of Wayne County, Union County and Carteret County are audited at least once each year by a certified public accountant employed for that purpose by the Board of County Commissioners of said counties, the annual report required by this section shall not be required of the Clerks of the Superior Courts of said counties."

Annual account of C. S. C. in Wayne, Union and Carteret Counties, dispensed with, when accounts audited by C. P. A.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 790

## CHAPTER 317

### AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-FIVE, PUBLIC LAWS, ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO PUBLIC WEIGH MASTERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Amend Chapter two hundred and eighty-five, Public Laws of one thousand nine hundred and thirty-nine, by striking out period at the end of Section four after the word "State" and by inserting in lieu thereof, a colon and the following words: "Provided, however, that the weighers of tobacco in "Leaf Tobacco Warehouses" may use, in lieu of said seal, a signature, which signature shall also appear, in ink or other indelible substance on the Weighmaster's Formal Application, and again, posted in a conspicuous and accessible place in the tobacco warehouse where he is acting as weighmaster."

Sec. 4, Ch. 285, Public Laws, 1939, amended.

Use of signature, in lieu of seal, by weighers in Leaf Tobacco Warehouses.

Sec. 7, amended, as to certificates of weigh masters.

SEC. 2. Amend Section seven by inserting a period after the word "Act" in line eleven and by striking out the remainder of said section beginning with the word "and" and following the word "Act."

Sec. 9, amended, as to time for making complaints as to correctness of certificates.

SEC. 3. Amend Section nine, by inserting in line six after the words "shall make complaint" the following words: "Before moving said commodity, produce, or article from city, town or community where weight certificate was issued," and amend



further by adding after the words "his agents" line thirteen, a colon in lieu of period the following words: "Provided the commodity, produce or article is kept and protected as is required during the interim period provided for in Section eight of this Act." Amend further by striking out in line fifteen, after the word "sustained," the following words: "as a result of fraud or carelessness, or faulty apparatus," and insert in lieu thereof, the following words: "the difference thus sustained shall be that, and that only, which is in excess of tolerance allowed by Section seven of this Act, and any desired adjustment as a result of such difference shall be made accordingly, and"

Condition for  
reweighing  
commodities.

Adjustment of  
discrepancies.

SEC. 4. All laws and clauses of laws inconsistent or in conflict with the provisions of this Act be and the same are hereby repealed.

Conflicting laws  
repealed.

SEC. 5. This law shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 954

## CHAPTER 318

### AN ACT TO APPOINT JUSTICES OF THE PEACE FOR THE SEVERAL COUNTIES OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the following named persons be, and they are hereby appointed Justices of the Peace for their respective townships and counties in North Carolina for a term of six years, except when a different time is named herein, said terms to begin on the first day of April, one thousand nine hundred and forty-one, or when their present terms expire: Provided, that they may qualify at any time within ninety days after the first day of April, one thousand nine hundred and forty-one.

Biennial appointment of Justices of the Peace.

Term of office.

Qualification.

#### ALLEGHANY COUNTY

Alleghany  
County.

Piney Creek Township—L. K. Halsey, C. L. Hask.

#### ANSON COUNTY

Anson County.

Wadesboro Township—J. E. Gray, H. C. Gray, G. D. Davidson, Sidney F. Caligan.

Morven Township—Jno. P. Boyd, Susan E. Braswell, Ira S. Johnson, Ellison R. Short.

White Store Township—A. B. Collins, J. W. Jones.

Burnsville Township—G. H. Parker, R. H. Thomas, E. C. Edwards.

Lilesville Township—T. R. Liles, J. G. Williams, J. D. Morton, W. L. Ingram.

Gulledge Township—J. T. Webb, E. G. Jones.

Lanesboro Township—C. W. Maness, B. T. McRae, Y. H. Allen.

Ansonville Township—J. A. Kendall, A. E. Hendley, F. A. Osborne, J. L. Gaddy.

#### Ashe County.

#### ASHE COUNTY

Chestnut Hill Township—A. F. McMillan, E. B. Shepherd.

Clifton Township—J. E. Dougherty, R. Q. Jones, W. A. Roland.

Creston Township—R. P. Baker.

Elk Township—J. T. Brown.

Grassy Creek Township—W. P. Colvard, French Sturgill.

Helton Township—I. G. Spencer, I. R. Young, Bryan Kirby.

Horse Creek Township—J. W. Hampton, C. L. Goss.

Hurricane Township—Fred Blevins.

Jefferson Township—David Burkett, C. S. Neal.

Laurel Township—Bruce Graybeal.

North Fork Township—Roby Lewis, C. C. Sutherland.

Obids Township—C. L. Mash, L. F. Woodie.

Old Fields Township—A. J. Houck.

Peak Creek Township—Lloyd S. Richardson.

Pine Swamp Township—R. G. Phillips, W. H. Owens.

Piney Creek Township—Robert L. Reeves, S. N. Baldwin.

Pond Mountain Township—C. G. Robinson, C. H. Eldreth.

#### Avery County.

#### AVERY COUNTY

Banner Elk Township—E. L. Lafferty (two years).

Cranberry Township—J. H. Pritchard (two years), Nage Winters (two years).

Roaring Creek Township—Vance Palmer (two years), Mack McCoury (two years).

#### Beaufort County.

#### BEAUFORT COUNTY

-----Township—Rob L. Barr.

-----Township—J. H. Purvis.

#### Bertie County.

#### BERTIE COUNTY

Windsor Township—John Lewis Perry, Eugene Leary, J. E. Hoggard, A. C. Mitchell, L. S. Mizelle, J. G. Mitchell, Jno. G. Hoggard, P. T. Perry, J. H. Nowell.

Colerain Township—J. B. Mitchell, Lee O. Perry, Geo. W. Barker, A. J. M. Perry, W. S. Tayloe.

Indian Woods Township—E. D. Spruill.

Merry Hill Township—S. A. Adams, J. T. Keeter.

Mitchells Township—G. V. Lassiter, Alex Lassiter, W. G. Slade, Lacy M. Early, Langley Taylor.

Roxobel Township—C. H. Roberson.

Snakebite Township—Walter Hughes, C. D. Bazemore.

Whites Township—W. R. Lawrence.

Woodville Township—J. P. Harrington, R. N. Hoggard.

#### BURKE COUNTY

Burke County.

Drexel Township—L. B. Bollinger, Julius Page, Jr., John C. Ramsey.

Icard Township—Edgar Berry, E. E. Chapman, D. A. Hutto, H. L. Lee, W. A. Woods, Ernest F. Yoder, C. E. Yoder.

Jonas Ridge Township—Leonard Barrier, R. C. Franklin, W. M. Shuffler.

Lower Creek Township—W. S. Hallyburton.

Lower Fork Township—J. R. Chapman, H. G. Hoyle.

Lovelady Township—Arthur Talmadge Abernethy, J. E. Coulter, O. D. Keever, Rev. John Pons.

Morganton Township—O. A. Abee, J. H. Buckley, X. H. Cox, A. P. Causby, T. Earl Franklin, S. W. Hoyle, E. W. Hallyburton.

Silver Creek Township—Robert Giles, Mae Propst Lane, E. A. Pruitt.

Upper Creek Township—Watson Sisk.

#### CABARRUS COUNTY

Cabarrus County.

No. Four Township—Ira T. Chapman, E. A. Johnson, B. R. Yarborough.

#### CALDWELL COUNTY

Caldwell County.

Kings Creek Township—H. G. Barlow.

#### CAMDEN COUNTY

Camden County.

Shiloh Township—W. M. Forbes.

South Mills Township—J. G. Etheridge.

#### CARTERET COUNTY

Carteret County.

Newport Township—C. Gould.

#### CASWELL COUNTY

Caswell County.

Yanceyville Township—A. Y. Kerr.

Anderson Township—J. M. Hurdle.

Dan River Township—J. S. Davis.

Hightower's Township—W. L. Compton, L. L. Nelson.

Stoney Creek Township—J. B. Turner, E. S. Butler, W. F. Shaw.

Milton Township—W. L. Taylor, J. W. Burton, Holmes P. Hunt.

Palham Township—R. W. Duncan, J. S. Davis, T. N. Pierce.

## Cherokee County.

## CHEROKEE COUNTY

Beaverdam Township—Glen Crowe, George Crawford.

Hothouse Township—T. T. Johnson, C. C. Foster, L. W. Shields.

Murphy Township—G. F. Hendrix, John S. Keener, G. A. Hembree, F. O. Bates, J. W. McRae, J. W. Odell, John E. Posey, A. L. Martin, B. H. Hogan, W. N. Crisp, George Rogers.

Notta Township—J. M. Kilpatrick, O. C. Shields, J. Alden Cook, O. G. Anderson, Tom King.

Shoal Creek Township—W. F. Hill, Clay Allen, Lon Raper.

Valleytown Township—J. R. Leach, J. H. Bryson, P. M. Regan, H. W. Conley.

## Cleveland County.

## CLEVELAND COUNTY

Number Two Township—R. V. Green.

Number Five Township—S. L. Dellinger.

Number Eight Township—G. A. Green, W. J. Bridges.

Number Ten Township—M. N. Gantt.

Number Eleven Township—A. C. Brackett, J. C. Downs.

## Columbus County.

## COLUMBUS COUNTY

Williams Township—W. M. Hinson.

-----Township—S. P. Long.

## Currituck County.

## CURRITUCK COUNTY

Crawford Township—G. W. Meiggs, J. P. Morgan.

Fruitville Township—Ernest L. Waterfield.

Moyock Township—Luther Coppersmith.

Poplar Branch Township—Graham Woodhouse.

## Davidson County.

## DAVIDSON COUNTY

Arcadia Township—Mrs. Forest Redden (two years).

Lexington Township—R. L. Yokley (four years), Harvey L. Beck (two years).

## Durham County.

## DURHAM COUNTY

Oak Grove Township—A. M. Carpenter.

Durham Township—Hugh Scarlett.

## Edgecombe County.

## EDGECOMBE COUNTY

No. One Township—R. S. Howard.

No. Five Township—J. E. Fountain.

## Gaston County.

## GASTON COUNTY

Crowders Mountain Township—I. A. White.

## Gates County.

## GATES COUNTY

Gatesville Township—J. A. Eason (two years).

Hobbsville Township—P. D. Hobbs (two years), J. W. Overman (two years).

Roduco Township—J. C. Eure (two years).

#### GRAHAM COUNTY

Graham County.

-----Township—Leslie Hedrick.

#### GRANVILLE COUNTY

Granville County.

Brassfield Township—G. B. Allen, O. C. Jenkins.

Oak Hill Township—Jno. S. Watkins.

Walnut Grove Township—L. B. McFarland, Louis Thorpe,  
III.

#### GUILFORD COUNTY

Guilford County.

High Point Township—Claude A. Smith.

#### HALIFAX COUNTY

Halifax County.

Brinkleyville Township—T. C. Qualls, David Knight.

Butterwood Township—C. L. Kelly, S. C. Crawley.

Conoconora Township—L. A. Parks.

Enfield Township—T. E. Marshall, R. E. Shervette, Max Meyer.

Faucetts Township—E. W. Liles, R. C. Hedgepeth.

Halifax Township—J. G. Butts, D. J. Milliken.

Littleton Township—J. R. Glasgow, C. D. House.

Palmyra Township—E. C. Ruffin, D. E. Priest, R. H. White,  
L. G. Bunch.

Roanoke Rapids Township—W. O. Thompson.

Scotland Neck Township—B. F. Bracy, W. E. Smith, W. J. Murphy.

Weldon Township—W. A. Carter, D. C. Johnson.

#### HARNETT COUNTY

Harnett County.

Averasboro Township—A. B. Adams, Ralph Hanna, R. F. Jernigan, G. F. Owen.

Duke Township—H. M. Johnson, Clarence Colville.

Andersons Creek Township—Dougald McRae, Clarence Mann,  
J. A. Senter.

Grove Township—C. J. Turlington, J. B. Williams.

Lillington Township—J. N. Fuquay.

Upper Little Township—C. C. Cameron.

#### HENDERSON COUNTY

Henderson  
County.

Hendersonville Township—J. F. Brooks.

#### HERTFORD COUNTY

Hertford County.

St. Johns Township—T. N. Charles.



## Hyde County.

## HYDE COUNTY

Currituck Township—A. B. Lupton (four years).  
Fairfield Township—Carlisle Jones (four years).  
Lake Landing Township—L. M. Cahoon (four years), W. H. Cox (four years).  
Swan Quarter Township—J. Allen Harris (four years).

## Iredell County.

## IREDELL COUNTY

Shiloh Township—J. R. Warren.  
Turnersburg Township—B. L. Gatton.  
Union Grove Township—R. F. Rash.

## Jackson County.

## JACKSON COUNTY

Barkers Creek Township—Dee Denton, Lyle Jones.  
Canada Township—W. T. Rigdon, Elias Galloway, Mitchell Shelton.  
Caney Fork Township—J. C. Shuler, Oscar Lovedahl.  
Cashier's Valley Township—J. C. Passmore, C. G. Rogers.  
Cullowhee Township—John Phillips, R. L. Knight.  
Dillsboro Township—Tom Rogers, N. C. Brown.  
Green's Creek Township—Colman Green, R. S. Cowan, Bragg Allison.  
Hamburg Township—W. A. Taylor, Freeman Fowler, W. A. Henson.  
Mountain Township—John B. Bumgarner.  
Qualla Township—J. C. Hayes, Ed Hyatt, R. F. Hall.  
River Township—Will Adams, Walter Jackson.  
Savannah Township—R. O. Higdon, John C. Jones, Richmond Deitz.  
Scott's Creek Township—G. C. Crawford, Rickman Henson, Roy Blanton.  
Sylva Township—Mont Jamison, Charles Evans.  
Webster Township—N. D. Davis, Dennis Higdon, J. H. Morris.

## Johnston County.

## JOHNSTON COUNTY

Clayton Township—L. T. Rose.  
Wilders Township—Mrs. Wade Richardson.

## Jones County.

## JONES COUNTY

Pollocksville Township—W. H. Hall.  
Trenton Township—W. W. Barker, Jr.  
White Oak Township—W. E. Raeford.

## Macon County.

## MACON COUNTY

Franklin Township—Geo. Carpenter.  
Millshoal Township—W. R. McCracken.  
Ellijay Township—Fred Bryson.

Sugarfork Township—Ezra Shook.  
 Highlands Township—Jack Potts.  
 Flats Township—Earl Dryman.  
 Smithbridge Township—Joe Bradley.  
 Cartoogeechage Township—C. S. Slagle.  
 Nantahala Number One Township—B. A. Baldwin.  
 Nantahala Number Two Township—J. R. Shields.  
 Burningtown Township—Bill Parrish.  
 Cowee Township—John H. Dalton.

## MADISON COUNTY

Madison County.

Number One Township—J. B. Reid, A. D. Freeman, Henry Naves, Carrol Tweed.

Number Two Township—Talmadge Franklin, Hughie Wallin, B. G. Gunter.

Number Three Township—Fred Roberts.

Number Four Township—Nat Blankenship.

Number Five Township—Orlan Pander.

Number Six Township—Pearson Ball.

Number Seven Township—B. C. Leadford.

Number Eight Township—Dave Leadford, J. B. Segle.

Number Nine Township—Critz Stamey.

Number Ten Township—L. T. Bishop, L. B. Rice.

Number Eleven Township—Zade Ramsey.

Number Twelve Township—Joe Worley.

Number Thirteen Township—U. S. Blankenship.

Number Fourteen Township—Woodrow Dill.

Number Fifteen Township—Ash Carter.

## MARTIN COUNTY

Martin County.

Bear Grass Township—A. B. Ayers, Sr.

Cross Roads Township—J. S. Ayers.

Griffin Township—B. R. Manning.

Goose Nest Township—Joe Ayers.

Hamilton Township—J. A. Davenport.

Jamesville Township—Wendell Hamilton, A. Corey.

Popular Point Township—Mayo Hardison.

Robersonville Township—H. S. Everett.

Williamston Township—J. L. Hassel.

Williams Township—Lucian Hardison.

## MECKLENBURG COUNTY

Mecklenburg  
County.

Charlotte Township—R. V. Hood.

Huntersville Township—J. E. Shell.

Mallard Creek Township—W. B. Bingham.

## MITCHELL COUNTY

Mitchell County.

Bakersville Township—Brown McKinney, G. W. Greene, R. B. Turner.

Bradshaw Township—Jones.  
 Fork Mountain Township—D. M. Cook, J. W. Hobson.  
 Grassy Creek Township—W. L. McNeill, Charles Schism.  
 Harrell Township—Rexter Street, Jeter Fry.  
 Little Rock Township—Richmond Randolph.  
 Poplar Township—John Peterson.  
 Snow Creek Township—George Young.

## Moore County.

## MOORE COUNTY

McNeal Township—Neal H. Arnett.  
 Sheffield Township—W. J. Baldwin.  
 Ritters Township—J. D. Brewer.  
 Carthage Township—R. H. Brady.

## Nash County.

## NASH COUNTY

North Whitakers Township—Howard T. Ricks.

New Hanover  
County.

## NEW HANOVER COUNTY

Wilmington Township—Nathan Hashett, Sr.

Northampton  
County.

## NORTHAMPTON COUNTY

Gaston Township—E. P. Hyman, M. C. Vincent.  
 Jackson Township—B. L. Sykes.  
 Kirby Township—J. B. Stephenson, B. J. Ricks, J. R. Woodard.  
 Rich Square Township—W. W. Carter, L. E. Futrell.  
 Wiccacanee Township—K. A. Taylor.

## Pamlico County.

## PAMLICO COUNTY

Number One Township—W. W. Daniels, W. H. Dixon.

## Pender County.

## PENDER COUNTY

Lower Topsail Township—James Howard.

Perquimans  
County.

## PERQUIMANS COUNTY

Belvidere Township—T. C. Perry.  
 Bethel Township—Roy S. Chappell.  
 New Hope Township—Carson Spivey.  
 Parkville Township—Irvin Nixon.

## Person County.

## PERSON COUNTY

Bushy Fork Township—N. H. Hester.  
 Roxboro Township—W. R. Jones, W. A. Sergeant.  
 Woodsdale Township—Robert Robertson.

## Pitt County.

## PITT COUNTY

Belvoir Township—W. A. Dunn (four years).  
 Fountain Township—G. W. Lane, Jr.

## POLK COUNTY

Polk County.

Columbus Township—James E. Johnson.  
 Greens Creek Township—Solon Hines, Will Dick.  
 Saluda Township—G. W. Pearson (two years), A. H. Hipps  
 (two years).

## RANDOLPH COUNTY

Randolph County.

New Hope Township—James A. Hopkins.  
 Grant Township—William R. Brown.

## ROBESON COUNTY

Robeson County.

Parkton Township—R. E. Marshall.  
 Pembroke Township—W. H. Tyner, W. Lacy Maynor.  
 Saddle Tree Township—W. P. Humphrey, S. A. Hammond.  
 Maxton Township—J. H. Drennon.  
 Lumberton Township—John H. Taylor.

## ROCKINGHAM COUNTY

Rockingham  
County.

Price Township—Harry Joyce.  
 Ruffin Township—Leonard Prior, George L. Lauder.  
 Wentworth Township—G. A. Walker, Sidney Somers.

## ROWAN COUNTY

Rowan County.

Atwell Township—A. L. Deal.  
 China Grove Township—L. J. Brown.  
 Salisbury Township—C. E. Fesperman, J. M. Brannock, E.  
 Clyde Ennis, Stokes Devereux.  
 Morgan Township—Thomas H. Morgan.

## RUTHERFORD COUNTY

Rutherford  
County.

Duncans Creek Township—R. Z. Reavis.

## STANLY COUNTY

Stanly County.

Almond Township—T. F. Rowland, D. Walter Sides (two  
 years).  
 South Albemarle Township—C. M. Casterens (four years).  
 Center Township—S. J. Lentz (four years).

## STOKES COUNTY

Stokes County.

Big Creek Township—L. L. Lowe, P. L. Shelton, Sanders O.  
 Shelton.  
 Danbury Township—P. C. Campbell, S. A. Flinchum.  
 Meadows Township—O. M. Flynt, J. E. Mitchell.  
 Quaker Gap Township—J. T. Smith.  
 Peters Creek Township—T. A. Bennett, Julius L. Tucker.  
 Sauratown Township—Elkin Smith, A. F. Marshall, J. F.  
 Dunlap.

Snow Creek Township—J. Moir Hawkins.  
Yadkin Township—J. L. Christian, K. F. Tuttle, Carry Carroll.

## Surry County.

## SURRY COUNTY

Dobson Township—Marvin Wilmoth.  
Lowgap Township—C. N. Dillard.

Transylvania  
County.

## TRANSYLVANIA COUNTY

Boyd Township—L. F. Lyday.  
Brevard Township—T. H. Case, Dewey Gravley (two years).  
Cathey Creek Township—James Nelson, Den Paxton (two years).  
Eastatoe Township—A. M. Paxton, Sr., Charlie Gravley (two years).  
Gloucester Township—Obie Fisher (two years).  
Hogback Township—T. C. McCall (two years).  
Little River Township—Hal Hart (two years), Paul Roberts (two years).  
Dunns Rock Township—Gladstone Whitmire (two years).

## Vance County.

## VANCE COUNTY

Dabney Township—L. W. Burroughs.  
Henderson Township—F. B. Hight, C. S. Wester, C. P. Lowery, J. M. Mitchell, S. B. Rogers, R. N. Gupton, M. H. Stone, W. F. Hayes.  
Kittrell Township—A. B. Pleasants, T. T. Ellis.  
Middleburg Township—E. L. Fleming, R. L. Bennett, B. S. Parham, J. R. Carroll, A. P. Paschall.  
Sandy Creek Township—W. J. Bowen, Jr.  
Townsville Township—R. B. Taylor.  
Watkins Township—R. G. Cawthorne.  
Williamsboro Township—J. H. Rice.

## Wake County.

## WAKE COUNTY

Raleigh Township—L. H. Smith.

## Warren County.

## WARREN COUNTY

Sixpound Township—H. G. Haithecock.

## Wilkes County.

## WILKES COUNTY

Edwards Township—E. W. Smith, R. C. Harris, Clifton Prevette, J. W. Cheek.  
Elk Township—W. E. Horton.  
Lewis Fork Township—Jennie Blackburn.  
Mulberry Township—Mrs. Stacy H. Jones.  
New Castle Township—C. W. Haynes.  
North Wilkesboro Township—Mansfield Minton, Harvey Key.



Reddies River Township—G. A. Bumgarner, W. I. Bumgarner, W. H. Nichols.

Rock Creek Township—Charlie H. Dancy.

Stanton Township—Lucille Hayes.

Traphill Township—W. B. Hall, John A. Holbrook.

Wilkesboro Township—Charlie Culler, Frank Somers, Elsie Foster.

#### YANCEY COUNTY

Yancey County.

Brush Creek Township—John P. Woody, L. D. Thomas.

Burnsville Township—S. T. Bennett, F. R. Higgins.

Cane River Township—W. M. Hensley, M. A. Burton, J. W. McAlister.

Egypt Township—William Ledford.

Green Mountain Township—R. A. Peake, Noah Hughes.

Pensacola Township—S. M. Riddle, Carthy C. Boone.

Ramseytown Township—Walter E. Hughes.

South Toe Township—L. M. Robinson, Rhonda Westall.

SEC. 2. That this Act shall be in full force and effect from and after the first day of April, one thousand nine hundred and forty-one. Effective date.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 955

#### CHAPTER 319

AN ACT TO AMEND SENATE BILL NUMBER ONE HUNDRED AND FORTY-EIGHT, SESSION OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATIVE TO THE INSTALLATION OF PARKING METERS IN CITIES AND TOWNS IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the limitations and restrictions contained in Senate Bill Number one hundred and forty-eight, Session of one thousand nine hundred and forty-one, restricting the installation of parking meters to cities and towns with a population of twenty thousand or over, shall not apply to cities and towns in the County of Orange, and any city or town within the territorial boundaries of Orange County shall have the right to install parking meters under the provisions of said Senate Bill Number one hundred and forty-eight, Session of one thousand nine hundred and forty-one.

S. B. 148 (Ch. 153, Public Laws, 1941), amended.

Installation of parking meters in towns in Orange County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 956

## CHAPTER 320

AN ACT TO AMEND HOUSE BILL NUMBER TWO HUNDRED AND EIGHTEEN, THE SAME BEING AN ACT TO AMEND CHAPTER ONE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SIX, EXTRA SESSION, AS AMENDED, KNOWN AS THE UNEMPLOYMENT COMPENSATION ACT, RATIFIED MARCH TENTH, ONE THOUSAND NINE HUNDRED AND FORTY-ONE.

*The General Assembly of North Carolina do enact:*

H. B. 218 (Ch. 108, Public Laws, 1941), amended.

SECTION 1. That Section six of House Bill Number two hundred and eighteen, ratified on the tenth day of March, one thousand nine hundred and forty-one, be and the same is hereby amended by adding at the end of paragraph designated "(a) (1)," the following:

Fractions disregarded in contribution payments when less than half cent (Unemployment Compensation Act).

Remuneration in excess of \$3,000, annually, not included within term, "wages."

"(2). In the payment of any contributions a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent. For the purposes of this section, the term 'wages' shall not include that part of the remuneration which, after remuneration equal to \$3,000 has become payable to an individual by an employer with respect to employment during the calendar year 1940, becomes payable to such individual by such employer with respect to employment during such calendar year, and which, after remuneration equal to \$3,000 has been paid to an individual by an employer with respect to employment during the calendar year 1941, and during any calendar year thereafter, is paid to such individual by such employer with respect to employment occurring during such calendar year but after December 31, 1940."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 816

## CHAPTER 321

AN ACT TO AMEND CHAPTER TWO HUNDRED AND THIRTY-FOUR, OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, RELATING TO TERMS OF SUPERIOR COURTS IN DUPLIN AND ONSLOW COUNTIES IN THE SIXTH JUDICIAL DISTRICT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter two hundred and thirty-four of the Public Laws of one thousand nine hundred and thirty-three, of North Carolina, relating to the courts of the Counties of Duplin and Onslow of the Sixth Judicial District, be and the same are hereby amended, and the following shall be substituted in lieu thereof:

Ch. 234, Public Laws, 1933, amended as to Superior Court Terms, Duplin and Onslow Counties.

“Duplin County—Eighth Monday before the first Monday in March, to continue for two weeks, for the trial of civil cases only; fifth Monday before the first Monday in March, to continue for one week, for the trial of criminal cases; first Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases only; sixth Monday after first Monday in March to continue for two weeks, the first week of which shall be for the trial of criminal cases, or civil cases, or both, and the second week for the trial of civil cases exclusively; sixth Monday before first Monday in September to continue for one week, for the trial of criminal cases only; first Monday before the first Monday in September, to continue for two weeks, for the trial of civil cases only; fourth Monday after first Monday in September, to continue for one week for the trial of criminal cases; thirteenth Monday after the first Monday in September, to continue for two weeks for the trial of civil cases only.

Duplin County.

At all criminal terms of the Superior Court in the County of Duplin, uncontested divorce cases may be tried and the court may hear and determine all motions in civil matters, not requiring a jury trial and make any order, judgment or decree respecting the confirmation of judicial sales.

“Onslow County—First Monday in March to continue for one week, for the trial of criminal cases, or civil cases, or both; twelfth Monday after the first Monday in March to continue for two weeks, for the trial of criminal cases only; seventh Monday before the first Monday in September, to continue for one week, for the trial of civil cases and jail cases, in accordance with Chapter three hundred and forty-one of the Public Laws of one thousand nine hundred and thirty-one; fifth Monday after the first Monday in September, to continue for one week for the trial of criminal and civil cases; eleventh Monday

Onslow County.

after the first Monday in September, to continue for two weeks, for the trial of civil cases."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act, as it relates to the Counties of Duplin and Onslow, except Chapter three hundred and forty-one of the Public Laws of one thousand nine hundred and thirty-one, to the extent of such conflict, are hereby repealed.

Exception.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after the first day of July, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 817

## CHAPTER 322

AN ACT TO FURTHER CARRY OUT THE PROVISIONS OF CHAPTER FIFTY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO THE PREVENTION OF BLINDNESS AND THE IMPROVEMENT OF THE CONDITION OF THE BLIND IN THE STATE OF NORTH CAROLINA.

Preamble:  
Impossible for  
State Blind Com-  
mission to carry  
out certain pro-  
gram with pres-  
ent funds.

WHEREAS, it is impossible for the North Carolina State Commission for the Blind to carry out the program outlined in Chapter fifty-three of the Public Laws of one thousand nine hundred and thirty-five with the funds now provided for said purposes; and

Additional funds  
necessary.

WHEREAS, it is necessary that additional funds be provided for said purposes: Now, therefore,

*The General Assembly of North Carolina do enact:*

Additional ap-  
propriation for  
N. C. State Com-  
mission for the  
Blind.

SECTION 1. That in addition to any appropriation heretofore or hereafter made to the North Carolina State Commission for the Blind, there is hereby appropriated to said North Carolina State Commission for the Blind from the general fund of the State the sum of nine thousand five hundred and thirty-eight dollars (\$9538.00) for the first year and the sum of nine thousand five hundred and thirty-eight dollars (\$9538.00) for the second year of the biennium one thousand nine hundred and forty-one—one thousand nine hundred and forty-three.

Use of funds.

SEC. 2. That said amounts hereinbefore appropriated shall be used by the North Carolina State Commission for the Blind for the purposes set out in Chapter fifty-three of the Public Laws of one thousand nine hundred and thirty-five and in furtherance of the program outlined therein.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 829

## CHAPTER 323

### AN ACT TO CHANGE THE NAME OF THE CHEROKEE INDIAN NORMAL SCHOOL OF ROBESON COUNTY, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in every instance where the name "Cherokee Indian Normal School of Robeson County" appears in Article VI, Section five thousand eight hundred and forty-three, and following, of the Consolidated Statutes of one thousand nine hundred and nineteen, Volume two, as amended, the same is hereby stricken out and the following substituted in lieu thereof: "Pembroke State College for Indians."

Name of "Cherokee Indian Normal School of Robeson County," changed to "Pembroke State College for Indians."

SEC. 2. That Section three of Chapter two hundred and seventy-six of the Public Laws of one thousand nine hundred and thirty-one be, and the same is hereby, amended by striking out in line four of said section the word "principal" and inserting in lieu thereof the word "president"; and that said section be further amended by striking out in line five the words "Cherokee Indian State Normal School" and inserting in lieu thereof the words, "Pembroke State College for Indians."

Ch. 276, Public Laws, 1931, amended, conforming law to change in name of institution.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.



H. B. 844

CHAPTER 324

AN ACT REGULATING THE FEES TO BE RECEIVED BY JUSTICES OF THE PEACE IN HENDERSON COUNTY.

*The General Assembly of North Carolina do enact:*

C. S. 3923,  
amended, as to  
fees of Justices  
of the Peace,  
Henderson  
County.

SECTION 1. That Section three thousand nine hundred and twenty-three of the Consolidated Statutes be, and the same is hereby amended by striking out the word "Henderson" in line twenty-seven, following the word "Polk" and immediately preceding the word "Harnett," and by adding at the end of said section the following:

"Justices of the Peace in Henderson County shall receive the following fees:

Fees in criminal  
actions.

CRIMINAL ACTION

Bill of Cost:	
Affidavit .....	.50
Warrant .....	.75
Subpoenas (two allowed) each .....	.50
Committment .....	.50
Recognizance (two allowed) each .....	.35
Entering judgment .....	2.00
Order of removal .....	.50
Capias and Order .....	1.00
Jury Trial and entering verdict .....	3.00
Sci Fa .....	1.00
Accepting Bond .....	.50
Indexing .....	.50
Continuance .....	.50

Fees in civil  
actions.

CIVIL ACTION

Bill of Cost:	
Summons .....	.50
Additional Defendant .....	.25
Plaintiff's Undertaking .....	.50
Defendant's Undertaking .....	.50
Order of Removal .....	.50
Subpoena (for two) each .....	.50
Judgment contested .....	2.00
Judgment not contested .....	2.00
Transcription of judgment .....	.50
Execution of judgment .....	1.00
Return on appeal .....	1.00
Jury trial and entering verdict .....	3.00
Issuing claim and delivery papers and trial .....	2.50
Additional defendant, each .....	.50
Subpoenas, each .....	.50
Issuing attachment papers and trial and order to seize property .....	2.50

Additional defendant, each .....	.50
Subpoenas, each .....	.50
Performing marriage ceremonies in office .....	2.00
Continuance .....	.50
Probate of deeds, chattel mortgages or deeds of trust for signature thereof .....	.50
Hearing petitions for widow's yearly allowance .....	2.50
Issuing notices to commissioners, allotting the same and making returns .....	2.00
Taking deposition for each copy sheet for 100 words .....	.25
Garnisheeing for taxes .....	.50
Filing and docketing labor's lien .....	1.00

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 866

## CHAPTER 325

AN ACT TO AMEND SECTION SIX THOUSAND AND FIFTY-FOUR OF VOLUME TWO OF THE CONSOLIDATED STATUTES, SO AS TO PLACE GRAHAM COUNTY UNDER THE STATEWIDE PRIMARY LAWS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section six thousand and fifty-four of Volume two of the Consolidated Statutes of North Carolina be and the same is hereby amended by striking out the word "Graham" in line six of said section, it being the intent and purpose of this Act to place Graham County under the provisions of the State-wide primary laws for the nomination of county officers and members of the General Assembly. C. S. 6054, amended, placing Graham County under State-wide primary laws.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 871

CHAPTER 326

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, THE SAME BEING AN ACT TO REGULATE THE PUBLICATION OF LEGAL NOTICES AND OTHER LEGAL ADVERTISING.

*The General Assembly of North Carolina do enact:*

Ch. 170, Public Laws, 1939, amended; Transylvania County exempt from law regulating legal advertising in newspapers.

SECTION 1. That said Chapter one hundred and seventy, Public Laws of one thousand nine hundred and thirty-nine, be and the same is hereby amended by adding a new section to be known as Section two and one-half, to read as follows:

"SEC. 2½. The provisions and restrictions set out in the Act shall not apply to Transylvania County, nor to any newspaper now or hereafter to be published therein."

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 873

CHAPTER 327

AN ACT RELATING TO TAX RESEARCH AND TO AMEND THE MACHINERY ACT RELATING TO THE STATE BOARD OF ASSESSMENT.

*The General Assembly of North Carolina do enact:*

Provision for Department of Tax Research.

SECTION 1. From and after the effective date of this Act the Governor may, in his discretion, separate the Statistical and Research Unit of the Department of Revenue and designate it as a Department of Tax Research.

Appointment of Director.

SEC. 2. When so designated the department shall be directed by an officer to be designated as the Director of the Department of Tax Research, who shall be appointed by and responsible to the Governor, and shall serve at the will of the Governor. The director shall be paid an annual salary to be fixed by the Governor with the approval of the Advisory Budget Commission, payable in monthly installments, and shall likewise be allowed his traveling expenses when away from Raleigh on official business.

Salary.

Clerical assistants and office equipment.

SEC. 3. The director is authorized to employ such additional clerical assistants and to obtain such additional office equipment as may be approved by the Governor and the Advisory Budget Commission.

SEC. 4. It shall be the duty of the director to make a statistical analysis by groups and by counties of receipts under each article of the Revenue Act, and to make a thorough study of the subject of taxation as it relates to taxation within and by the State of North Carolina, including cities, counties, and subdivisions, their exercise and power of taxation; and to make a study of the taxation in other states, including the subjects of listing property for taxation, the classification of property for taxation, exemptions, and tax collections and tax collecting, and shall have the power and authority to make a comparative study of the subject of taxation in all its phases, including the relation between State taxation and Federal taxation, and said director shall assemble, classify and digest for practical use all available data on the subject of taxation, to the end that the same may be submitted to the Governor and General Assembly and may also be available for all citizens and officials of the State who are interested therein.

Study of taxation in North Carolina, directed.

Study of taxation in other states.

Comparative studies.

Submission of data to Governor and General Assembly.

To carry out the purposes of this Act, the Director of the Department of Research shall have the same authority as given the State Board of Assessment in Section two hundred and three of the Machinery Act, Public Laws of one thousand nine hundred and thirty-nine, to examine persons, papers and records and to acquire reports from State departments and counties, cities and towns.

Authority of Director to examine persons, papers, etc.

SEC. 5. The creation of the Department of Tax Research is for the purpose of securing for the public and the General Assembly, as well as for the Executive Department of the State, at a minimum cost, all such information that the public and the General Assembly and the Executive Department should have relative to tax matters, including methods and systems of taxation in other states, to the end that the Executive Department and the General Assembly in dealing with matters of revenue and taxation may have such information and tax data available for consideration.

Purpose of creation of Department.

SEC. 6. When the provisions of this Act become effective the Machinery Act, being Public Laws of one thousand nine hundred and thirty-nine, Chapter three hundred and ten, shall be amended by striking out all of Section two hundred of said Act and substituting in lieu thereof the following:

Machinery Act of 1939 (Ch. 310, Public Laws, 1939), amended when provisions this Act effective.

"SEC. 200. The Director of the Department of Tax Research, the Commissioner of Revenue, the Chairman of the Public Utilities Commission, the Attorney General, and the Director of Local Government shall be and are hereby created the State Board of Assessment with all the powers and duties prescribed in the act. The Director of the Department of Tax Research shall be the Chairman of the said board, and shall, in addition to presiding at the meetings of the board, exercise the functions,

Director of Department of Tax Research, made member of State Board of Assessment.

Director made Chairman.

Interim powers of Chairman.

Executive secretary.

Clerical assistance.

Expenses.

Submission of proposed amendments to Revenue and Machinery Acts to Budget Advisory Commission.

Publication of biennial report.

Payment of expenses of Department of Tax Research.

Conflicting laws repealed.

Effective date.

duties, and powers of the board when not in session. The board may employ an executive secretary, whose entire time may be given to the work of the said board, and is authorized to employ such clerical assistance as may be needed for the performance of its duties; all expenses of said board shall be paid out of funds appropriated out of the general fund to the credit of the Department of Revenue of the State."

SEC. 7. The Director of the Department of Tax Research shall prepare and submit to the Budget Advisory Commission such amendments to the Revenue and Machinery Acts as the survey made by the director indicates should be made, for their consideration in preparing amendatory Revenue and Machinery Acts for the General Assembly.

SEC. 8. The Director of the Department of Tax Research shall make and publish two thousand (2,000) copies of a biennial report, combined with the biennial report of the State Board of Assessment, of such scope as may be approved by the Governor, which shall include recommendations and a digest of the most important factual statistics of State and local taxation.

SEC. 9. All expenses of the Department of Tax Research, except the appropriation for the Statistical and Research Unit and such allotments as may be made by the Governor from the Contingency and Emergency Fund, shall be borne by the State Department of Revenue and all accounts kept by, and vouchers issued by, the Accounting Division of the Department of Revenue.

SEC. 10. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 11. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 875

## CHAPTER 328

AN ACT TO AMEND CONSOLIDATED STATUTES ONE THOUSAND SEVEN HUNDRED AND FORTY-FOUR, VOLUME THREE, ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR, AS AMENDED, RELATING TO ESTATES.

C. S. 1744, amended, authorizing lease of property subject to contingent remainder to persons not in esse.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Consolidated Statutes one thousand seven hundred and forty-four, Volume three, one thousand nine hundred and twenty-four, be, and the same is hereby, amended by



adding after the word "sale" in line four thereof, the word "lease".

SEC. 2. That Consolidated Statutes one thousand seven hundred and forty-four, Volume three, one thousand nine hundred and twenty-four, be, and the same is hereby further amended by inserting after the word "sale" in line one of the third paragraph, the word "lease".

Section, amended further; same purpose.

SEC. 3. That Chapter two hundred and ninety-nine of the Public Laws of one thousand nine hundred and thirty-five be, and the same is hereby, amended by adding at the end of Section one thereof, the following:

Ch. 299, Public Laws, 1935, amended.

"The mortgagees shall not be held responsible for determining the validity of the liens, debts and expenses where the court directs such liens, debts and expenses to be paid."

Mortgagees not responsible for determining validity of liens, etc. ordered paid by Court.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 878

## CHAPTER 329

AN ACT TO AMEND SECTION TWO OF CHAPTER EIGHTY-TWO OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AMENDING SECTION NINE HUNDRED AND FORTY-FIVE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, ONE THOUSAND NINE HUNDRED AND NINETEEN, RELATIVE TO THE ATTENDANCE OF CLERKS OF THE SUPERIOR COURT AT THEIR OFFICES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter eighty-two of the Public Laws of North Carolina, Session one thousand nine hundred and thirty-nine, entitled "An Act to amend Section nine hundred and forty-five of the Consolidated Statutes of North Carolina, one thousand nine hundred and nineteen, relative to the attendance of clerks of the Superior Courts at their offices", and Section nine hundred and forty-five of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended by Section two of Chapter eighty-two of the Public Laws of one thousand nine hundred and thirty-nine, be and the

Ch. 82, Public Laws, 1939; C. S. 945; amended as to attendance of C. S. C. at office.

Provision relating to Cumberland County, eliminated.

same are hereby amended by striking out the words "Except in Cumberland County in no event to be less than six hours nor more than nine hours on said day, holidays excepted".

## Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 885

## CHAPTER 330

AN ACT TO AMEND SECTION ONE THOUSAND SIX HUNDRED AND EIGHT (7) OF THE NORTH CAROLINA CODE OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE SO AS TO EMPOWER THE BOARD OF COMMISSIONERS OF LEE COUNTY, IN THEIR DISCRETION, TO APPOINT A CLERK OF THE COUNTY COURT OF LEE COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 1608(7), N.  
C. Code of 1939,  
amended, as to  
appointment of  
Clerk of County  
Court, Lee  
County.

SECTION 1. That Section one thousand six hundred and eight (7) of the North Carolina Code of one thousand nine hundred and thirty-nine be, and the same is, hereby amended by adding at the end thereof the following: "provided, that the Commissioners of Lee County shall have the authority to appoint a Clerk of the County Court of Lee County in their discretion whenever they deem such action for the best interest of the county; provided further, that the term of the Clerk first appointed shall expire on the first Monday in December, one thousand nine hundred and forty-two".

Term of first  
appointee.

Terms, after first  
term ; duties ;  
fees ; bonds ; etc.

SEC. 2. The term of office except for the first term, duties, fees for services, bond for the faithful performance of the duties of his office, oath of office, and all other acts of said clerk shall be the same in all respects as prescribed by Section one thousand six hundred and eight (7) of the North Carolina Code of one thousand nine hundred and thirty-nine and other pertinent sections relating to clerks of county courts.

## Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this  
the 15th day of March, 1941.

H. B. 886

## CHAPTER 331

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-EIGHT, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, TO REGULATE THE ISSUANCE OF LICENSES FOR THE SALE OF BEER OR OTHER ALCOHOLIC BEVERAGES IN ANSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine be, and the same is hereby, further amended by adding at the end of Section five hundred and twelve thereof, the following: "The Board of Commissioners of Anson County may issue the licenses referred to and prescribed in this section for periods of not less than one month, and prorate the license fees provided for in said section either on a monthly, quarterly or semi-annual basis."

Ch. 158, Public Laws, 1939, amended, as to issuance of licenses for sale of beer, etc., in Anson County.

SEC. 2. This Act shall apply only to Anson County.

Application of Act.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 893

## CHAPTER 332

AN ACT TO LIMIT THE AGGREGATE AMOUNT OF PENALTIES ASSESSED IN ANY SINGLE CALENDAR YEAR FOR DELINQUENT TAXES IN IREDELL COUNTY TO SIX PER CENT.

*The General Assembly of North Carolina do enact:*

SECTION 1. Subsection five of Section one thousand four hundred and three of the Machinery Act of one thousand nine hundred and thirty-nine, the same being Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, is hereby amended by changing the period at the end of said subsection to a colon and adding the following: "Provided, the aggregate amount all penalties assessed in any single calendar year for delinquent taxes shall not exceed six per cent of the principal amount of such taxes."

Sec. 1403, Ch. 310, Public Laws, 1939, amended, as to penalties for delinquent taxes, Iredell County.

SEC. 2. This Act shall apply only to Iredell County.

Application of Act.

Conflicting laws  
repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 911

### CHAPTER 333

AN ACT TO AMEND SECTION ONE THOUSAND SIX HUNDRED AND EIGHT OF THE CONSOLIDATED STATUTES, VOLUME THREE, AS AMENDED, RELATING TO RECORDER'S COURTS TO MAKE THE SAME APPLY TO TRANSYLVANIA COUNTY.

*The General Assembly of North Carolina do enact:*

C. S. 1608,  
amended; law  
relating to Re-  
corder's Courts,  
made applicable  
to Transylvania  
County.

SECTION 1. That Section one thousand six hundred and eight of the Consolidated Statutes, Volume three, as amended, be, and the same is hereby, further amended by adding at the end thereof a sentence to read as follows: "This subchapter shall apply to Transylvania County."

Conflicting laws  
repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 916

### CHAPTER 334

AN ACT TO AMEND SECTION FOUR THOUSAND FOUR HUNDRED AND FIFTY-EIGHT OF VOLUME ONE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN RELATING TO PUBLIC DRUNKENNESS IN BURKE COUNTY.

*The General Assembly of North Carolina do enact:*

C. S. 4458,  
amended, as to  
punishment for  
public drunken-  
ness, Burke  
County.

SECTION 1. That Subsection one of Section four thousand four hundred and fifty-eight of Volume one of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be further amended by inserting between the word "Brunswick" and the word "Catawba", in line two, the word "Burke".

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 961

## CHAPTER 335

AN ACT TO AMEND SECTION ONE HUNDRED AND THIRTY OF CHAPTER TWO HUNDRED AND NINETY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO THE POWERS OF ELECTRIC MEMBERSHIP CORPORATIONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section thirteen of Chapter two hundred and ninety-one of the Public Laws of one thousand nine hundred and thirty-five be, and the same is hereby, amended by adding a new subsection at the end thereof, to be designated as Subsection (m), to read as follows:

Ch. 291, Public Laws, 1935, amended, as to powers of Electric Membership Corporations.

“(m) To extend, construct, operate and maintain power lines into adjacent states.”

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 964

## CHAPTER 336

AN ACT TO AMEND SECTION FOUR THOUSAND FOUR HUNDRED AND FIFTY-EIGHT OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, TO PROHIBIT PUBLIC DRUNKENNESS IN WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four thousand four hundred and fifty-eight of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be amended by inserting in paragraph one thereof, in the proper alphabetical position among the counties specified therein, the word “Wayne”, it being the intent of this Act to make the provisions of the introductory paragraph and of the paragraph numbered “1.” of said section four thousand four hundred and fifty-eight applicable to Wayne County.

C. S. 4458, amended, as to punishment for public drunkenness, Wayne County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.



SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. B. 136

## CHAPTER 337

AN ACT TO PROVIDE FOR THE WAREHOUSING OF OTHER AGRICULTURAL COMMODITIES AS WELL AS COTTON IN THE WAREHOUSES ESTABLISHED UNDER ARTICLE EIGHTEEN OF CHAPTER EIGHTY-FOUR OF VOLUME THREE OF THE CONSOLIDATED STATUTES AND TO GUARANTEE WAREHOUSE RECEIPTS ISSUED FOR SUCH COMMODITIES.

*The General Assembly of North Carolina do enact:*

C. S. 4925 (a),  
amended.

SECTION 1. Section four thousand nine hundred and twenty-five (a) of Volume three of the Consolidated Statutes of North Carolina is hereby amended to read as follows:

Establishment of  
warehouse system  
for cotton and  
other agricul-  
tural products.

"4925 (a). Purpose of Law.—In order to protect the financial interests of North Carolina by stimulating the development of an adequate warehouse system for cotton and other agricultural commodities, in order to enable growers of cotton and other agricultural commodities more successfully to withstand and remedy periods of depressed prices, in order to provide a modern system whereby cotton and other agricultural commodities may be more profitably and more scientifically marketed, and in order to give these products the standing to which they are justly entitled as collateral in the commercial world, a warehouse system for cotton and other agricultural products in the State of North Carolina is hereby established as herein-after provided."

C. S., Ch. 84, Art.  
18, amended, add-  
ing new section.

SEC. 1½. Article eighteen of Chapter eighty-four of Volume three of the Consolidated Statutes of North Carolina is hereby amended by inserting a new section to follow Section four thousand nine hundred and twenty-five (a) and to read as follows:

Definition of  
'other agricul-  
tural com-  
modities.'

"4925 (aa). Definition. The term 'other agricultural commodities' as used in this article shall mean such agricultural commodities other than cotton as shall be designated by the board of agriculture, through rules and regulations adopted pursuant to this article, as suitable to be stored in the warehouses operating under this article."

C. S. 4925 (b),  
amended, as to  
administration of  
law.

SEC. 2. Section four thousand nine hundred and twenty-five (b) of Volume three of the Consolidated Statutes of North Carolina is hereby amended by inserting the words "and other agricultural commodities" after the word "cotton" in line six.

SEC. 3. Section four thousand nine hundred and twenty-five (i) of Volume three of the Consolidated Statutes of North Carolina is hereby amended to read as follows:

C. S. 4925 (i),  
amended.

"4925 (i) Duties of superintendent; manner of operating warehouse system. The state warehouse superintendent shall have the power to lease for stated terms property for the warehousing of cotton and other agricultural commodities: Provided, no rent shall be paid until the operating expenses of each such warehouse so leased shall have been paid from the income of the warehouse so leased, and in no case shall the state be responsible for any rent except from the income of such warehouse so leased in excess of operating expenses; and said superintendent shall fix the terms upon which private or corporate warehouses may obtain the benefits of state supervision and operation. It shall be his special duty to foster and encourage the erection of warehouses in the various cotton-growing and agricultural counties of the state for operation under the terms of this article, and to provide an adequate system of inspection, and of rules, forms, and reports to insure the security of the system, such matters to be approved by the state board of agriculture. The violation of such rules by any officer of the system shall be a misdemeanor. Cotton and other agricultural products may be stored in such warehouses by any person owning them, and receive all of the benefits accruing from such state management; and any person permitted to store cotton or other products in any such warehouse shall pay to the manager of the warehouse such sum or sums for rent or storage as may be agreed upon, subject to Section four thousand nine hundred and twenty-five (b), by the manager, and such person desiring storage therein."

Powers and duties of State Warehouse Superintendent.

Lease of warehouse property; payment of rent.

Erection of warehouses encouraged.

Inspection system.

Rules, etc.

Violation of rules made misdemeanor.

Storage benefits.

Charges.

SEC. 4. Section four thousand nine hundred and twenty-five (k) of Volume three of the Consolidated Statutes of North Carolina is hereby amended to read as follows:

C. S. 4925 (k),  
amended.

"4925 (k). Grading and weighing of products; Negotiable receipts; authentication of receipts. When agricultural commodities other than cotton have been stored in warehouses operated under this article and have been graded and standardized in conformity with the grades and standards heretofore or hereafter promulgated by the board of agriculture, acting under the provisions of 'An Act to provide for the establishment of standard packages, grades, state brands, and for other purposes,' the same being chapter three hundred and twenty-five of the Public Laws of one thousand nine hundred and nineteen, negotiable warehouse receipts of form and design approved by the board of agriculture may be issued. As soon as possible after any lint cotton, properly baled, is received for storage, the local manager shall, if it has not been done previously, have it graded and stapled by a federal or state classifier and legally weighed.

Grading and weighing; issuance of negotiable receipts.

Form and execution of receipts.

Contents.

Negotiable receipts issued, omitting grade or staple, on request; receipt so stamped.

Non-negotiable memorandum receipts.

Ownership shown on receipt.

Responsibility of warehouse system as to products stored.

C. S. 4925 (L), amended, as to transfer of receipts, etc.

C. S. 4925 (m), amended, as to punishment for issuance of false receipts.

C. S. 4925 (n), amended, as to delivery of commodities without receipt.

C. S. 4925 (o), amended.

Official negotiable receipts of the form and design approved by the board of agriculture shall be issued for such cotton under the seal and in the name of the State of North Carolina, stating the location of the warehouse, the name of the manager, the mark on said bale, the weight, the grade, and the length of the staple, so as to be able to deliver on surrender of the receipt the identical cotton for which it was given. On request of the depositor, negotiable receipts may be issued under this section omitting the statement of grade or staple, such receipt to be stamped on its face, 'Not graded or stamped on request of the depositor.' The warehouse manager shall fill in receipts issued under this section and they shall be signed by him or by the state warehouse superintendent or his duly authorized agent. If the local manager cannot issue a negotiable receipt complete for cotton or other agricultural commodities, he shall issue non-negotiable memorandum receipts therefor, said memorandum receipts to be taken up and marked 'canceled' by the local manager upon the delivery of negotiable receipts for such commodities. If the official negotiable receipt is issued for cotton or other agricultural commodities of which the manager is the owner, either solely or jointly or in common with others, the fact of such ownership must appear on the face of the receipt. No responsibility is assumed by the state warehouse system for fluctuations in weight due to natural causes; but in other respects the receipts issued under this section for cotton and other agricultural commodities shall be supported and guaranteed by the indemnifying fund provided in Section four thousand nine hundred and twenty-five (e)."

SEC. 5. Section four thousand nine hundred and twenty-five (L) of Volume three of the Consolidated Statutes of North Carolina is hereby amended by inserting after the word "cotton" appearing in lines two, three, five, seven, eight, and ten of said section, the words "or other agricultural commodity."

SEC. 6. Section four thousand nine hundred and twenty-five (m) of Volume three of the Consolidated Statutes of North Carolina is hereby amended by inserting the words "or other agricultural commodity" after the word "cotton" in both instances where it appears in line three of said section, and also after the word "cotton" appearing in line seven of said section.

SEC. 7. Section four thousand nine hundred and twenty-five (n) of Volume three of the Consolidated Statutes of North Carolina is hereby amended by inserting after the word "cotton" in lines two and four of said section the words "or other agricultural commodity."

SEC. 8. Section four thousand nine hundred and twenty-five (o) of Volume three of the Consolidated Statutes of North Carolina is hereby amended to read as follows:

"4925(o). Rules for issuance of duplicate receipts. The state warehouse superintendent, or his duly authorized agent, and the manager of the local warehouse are authorized to issue a duplicate receipt for a lost or destroyed receipt, due record of the original receipt being found upon the books of the warehouse, only upon affidavit of the owner of the original that the original receipt has been lost or destroyed, and by giving the state warehouse superintendent bond with approved security in an amount equal to the double value of the cotton or other agricultural commodity represented by the original receipt to indemnify the state warehouse superintendent and the local manager from loss or damage and the cost of any litigation. In determining the amount of the bond required under this section, the value of cotton shall be estimated at the highest market price of middling cotton during the preceding two years. The value of other agricultural commodities shall be estimated for this purpose in accordance with regulations to be prescribed by the board of agriculture."

Rules for issuance of duplicate receipts.

Affidavit showing receipt lost, etc.

Bond.

Determination of amount of bond.

SEC. 9. Section four thousand nine hundred and twenty-five (p) of Volume three of the Consolidated Statutes of North Carolina is hereby amended by inserting after the word "cotton" in line three thereof the words "or other agricultural commodities."

C. S. 4925 (p), amended, as to liability of State for warehouse debts, etc.

SEC. 10. Section four thousand nine hundred and twenty-five (q) of Volume three of the Consolidated Statutes of North Carolina is hereby amended by inserting after the word "cotton" appearing in line three and twice in line six of said section, the words "and other agricultural commodities."

C. S. 4925 (q), amended, as to insurance of commodities.

SEC. 11. Section four thousand nine hundred and twenty-five (r) of Volume three of the Consolidated Statutes of North Carolina is hereby amended by inserting after the word "cotton" appearing in lines three, eight, and eighteen of said section, the words "or other agricultural commodities."

C. S. 4925 (r), amended, as to negotiating loans on receipts; sale of commodities.

SEC. 11½. Provided that the provisions of this Act shall not apply to the storage of tobacco in any form.

Act not applicable to tobacco storage.

SEC. 12. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 13. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.



## S. B. 128

## CHAPTER 338

AN ACT TO PROVIDE FOR AND TO REGULATE THE INCORPORATION OF NON-PROFIT HOSPITAL SERVICE CORPORATIONS AND TO PROVIDE FOR THE SUPERVISION AND REGULATION OF SUCH CORPORATIONS BY THE STATE COMMISSIONER OF INSURANCE.

*The General Assembly of North Carolina do enact:*

Regulation of non-profit hospital service corporations.

SECTION 1. Definition or Scope of Article: Any corporation heretofore or hereafter organized under the general corporation laws of the State of North Carolina for the purpose of maintaining, and operating a non-profit hospital service plan, whereby hospital care may be provided by the said corporation or by a hospital with which it has a contract for such care, to such persons who become subscribers to such plans under a contract which entitles each subscriber to certain hospital care, shall be governed by this Act and shall be exempt from all other provisions of the insurance laws of this State heretofore enacted, unless specifically designated herein and no laws hereafter enacted shall apply to them unless they be expressly designated therein.

Application of other laws.

Definition of "Hospital Service Corporation."

The term "Hospital Service Corporation" as used in this Article, includes any such corporation and any non-profit hospital service corporation heretofore organized for the purpose hereinabove expressed.

Conversion into profit corporation prohibited.

No hospital service corporation within the meaning of this Article shall be converted into a corporation organized for pecuniary profit. Every such corporation shall be maintained and operated for the benefit of its members and subscribers as a coöperative corporation.

Foreign corporations prohibited.

No foreign or alien hospital service corporation shall be authorized to do business in this State.

Incorporation.

SEC. 2. Incorporation: Any number of persons not less than seven, desiring to form a non-profit hospital service corporation, shall incorporate under the provisions of the general laws of the State of North Carolina governing corporations, but subject to the following provisions:

Consent of Insurance Commissioner.

1. The certificate of incorporation of each such corporation shall have endorsed thereon or attached thereto, the consent of the Insurance Commissioner, if he shall find the same to be in accordance with the provisions of this Act.

Statement of services, rates; copy of contracts with subscribers, etc., rendered Commissioner.

2. A statement of the services to be rendered by the corporation and the rates currently to be charged therefor which said statement shall be accompanied by two copies of each contract for services which the corporation proposes to make with its



subscribers, and two copies of the type of contract which said corporation proposes to make with participating hospitals, shall have been furnished the Insurance Commissioner; provided, however, that if the articles of incorporation of any such corporation within the meaning of this Act, shall have been filed with the Secretary of State prior to the effective date of this Act, the approval thereof by the Insurance Commissioner shall be evidenced by a separate instrument in writing filed with the Secretary of State.

Form of approval of certificate by Commissioner when latter filed prior to this Act.

SEC. 3. Hospital Contracts: Any corporation organized under the provisions of this Act may enter into contracts for the rendering of hospital service to any of its subscribers with hospitals approved by the American Medical Association and/or the North Carolina Hospital Association. All obligations arising under contracts issued by such corporations to the subscriber shall be satisfied by payments made directly to the hospital or hospitals which rendered such hospital service, unless otherwise authorized by the Commissioner of Insurance. Nothing herein shall be construed to discriminate against hospitals conducted by other schools of medical practice.

Hospital contracts.

Direct payments to hospital by corporation.

Exception.

SEC. 4. Supervision of Commissioner of Insurance: No hospital service corporation shall enter into any contract with subscribers unless and until it shall have filed with the Commissioner of Insurance a specimen copy of the contract or certificate and of all applications, riders, and endorsements for use in connection with the issuance or renewal thereof to be formally approved by him as conforming to the section of this Act entitled "Subscribers Contracts," and conforms to all rules and regulations promulgated by the Insurance Commissioner under the provisions of this Act. The Commissioner of Insurance shall, within a reasonable time after the filing of any such form, notify the corporation filing the same either of his approval or of his disapproval of such form.

Approval of form of contract with subscribers.

Notice of approval or disapproval.

No corporation subject to the provisions of this Act shall enter into any contract with a subscriber after the enactment hereof unless and until it shall have filed with the Commissioner of Insurance a full schedule of rates to be paid by the subscribers to such contracts and shall have obtained the Commissioner's approval thereof. The Commissioner may refuse approval if he finds that such rates are excessive, inadequate or discriminatory or if he finds the form of subscriber's contract is unfair or discriminatory. At all times such rates and form of subscriber's contract shall be subject to modification and approval of the Insurance Commissioner under rules and regulations adopted by the Insurance Commissioner, in conformity to this Act.

Schedule of rates filed with Commissioner of Insurance for approval.

When rates may be disapproved.

Rates and contract subject to modification.

SEC. 5. Application for Certificate: No corporation subject to the provisions of this Act shall issue contracts for the render-

Application for certificate.

Forms.	<p>ing of hospital service to subscribers, until the Insurance Commissioner has, by formal certificate or license, authorized it to do so. Application for such certificate of authority or license, shall be made on forms to be supplied by the Insurance Commissioner, containing such information as he shall deem necessary. Each application for such certificate of authority or license, as a part thereof shall be accompanied by duplicate copies of the following documents duly certified by at least two of the executive officers of such corporation:</p>	
Contents.		
Duplicate copies of required documents filed.		
Certificate of incorporation.	(a)	Certificate of incorporation with all amendments thereto.
By-laws.	(b)	By-laws with all amendments thereto.
Hospital contract.	(c)	Each contract executed or proposed to be executed by and between the corporation and any participating hospital under the terms of which hospital service is to be furnished to subscribers to the plan.
Form of contract, etc., proposed to be issued to subscribers.	(d)	Each form of contract, application, rider, and endorsement, issued or proposed to be issued to subscribers to the plan, or in renewal of any of contracts with subscribers to the plan, together with a table of rates charged or proposed to be charged to subscribers for each form of such contract.
Financial statement.	(e)	Financial statement of the corporation which shall include the amounts of each contribution paid or agreed to be paid to the corporation for working capital, the name or names of each contributor and the terms of each contribution.
Issuance of license by Commissioner.	<p>SEC. 6. Issuance of Certificate: Before issuing any such license or certificate the Commissioner of Insurance may make such an examination or investigation as he deems expedient. The Commissioner of Insurance shall issue a certificate of authority or license upon the payment of an annual fee of one hundred dollars (\$100.00) and upon being satisfied on the following points:</p>	
License fee.		
Prerequisites for issuance of license.	(a)	The applicant is established as a bona fide non-profit hospital service corporation.
	(b)	The rates charged and benefits to be provided are fair and reasonable.
	(c)	The amounts provided as working capital of the corporation are repayable only out of earned income in excess of amounts paid and payable for operating expenses and hospital expenses and such reserve as the department of insurance deems adequate, as provided hereinafter.
	(d)	That the amount of money actually available for working capital be sufficient to carry all acquisition costs and operating expenses for a reasonable period of time from the date of the issuance of the certificate.

- SEC. 7. Subscriber Contracts: Required and Prohibited Provisions:** 1. Every contract made by a corporation subject to the provisions of the Act shall be for a period not to exceed twelve months, and no contract shall be made providing for the inception of benefits at a date later than one year from the date of the contract. Any such contract may provide that it shall be automatically renewed for a similar period unless there shall have been one month's prior written notice of termination by either the subscriber or the corporation.
2. No contract between any such corporation and a subscriber, shall entitle more than one person to benefits except that a contract issued and marked as a "family contract" may provide that benefits will be furnished to a husband and wife, or husband, wife and their child or children not over eighteen years of age.
3. Every contract entered into by any such corporation with any subscriber thereto shall be in writing and a certificate stating the terms and conditions thereof shall be furnished to the subscriber to be kept by him. No such certificate form shall be made, issued or delivered in this State unless it contains the following provisions:
- (a) A statement of the amount payable to the corporation by the subscriber and the times at which and manner in which such amount is to be paid; this provision may be inserted in the application rather than in the certificate. Application need not be attached to certificate.
- (b) A statement of the nature of the benefits to be furnished and the period during which they will be furnished.
- (c) A statement of the terms and conditions, if any, upon which the contract may be cancelled or otherwise terminated at the option of either party.
- (d) A statement that the contract includes the endorsements thereon and attached papers, if any, and together with the application contains the entire contract.
- (e) A statement that if the subscriber defaults in making any payment, under the contract, the subsequent acceptance of a payment by the corporation at its home office shall reinstate the contract, but with respect to sickness and injury, only to cover such sickness as may be first manifested more than ten days after the date of such acceptance.
4. In every such contract made, issued or delivered in this State:
- (a) All printed portions shall be plainly printed;

Subscriber contracts.

Term of contract.

Renewal provisions.

Persons entitled to benefits.

Written contracts required.

Certificate delivered to subscriber.

Contents:

Amount of premium; manner and time of payment.

Nature of benefits.

Terms and conditions for cancellation.

Statement that contract includes endorsements.

Reinstatement provisions.

Form of contract.

Plain printing.

Prominence given to exceptions.

(b) The exceptions from the contract shall appear with the same prominence as the benefits to which they apply; and

When by-laws, etc., made part of contract, must be set out in contract.

(c) If the contract contains any provision purporting to make any portion of the articles, constitution or by-laws of the corporation a part of the contract, such portion shall be set forth in full.

Issuance of master group contracts.

Commissioner's approval necessary.

Adjustment of premium rates, benefits.

5. A hospital service corporation may issue a master group contract with the approval of the Insurance Commissioner provided such contract and the individual certificates issued to members of the group, shall comply in substance to the other provisions of this Act. Any such contract may provide for the adjustment of the rate of the premium or benefits conferred with the approval of the Insurance Commissioner, based upon the experience thereunder at the end of the first year or any subsequent year of insurance thereunder and such readjustment may be made retroactive only for such policy year. If such master group contract is issued, altered or modified, the subscribers' contracts issued in pursuance thereof are altered or modified accordingly, all laws and clauses in subscribers' contracts to the contrary notwithstanding. Nothing in the Acts shall be construed to prohibit or prevent the same. Forms of such contract shall at all times be furnished upon request of subscribers thereto.

Subscriber's contracts modified to conform with master group contract.

Forms furnished subscribers.

Investments by hospital service corporations.

SEC. 8. Investments and Reserves: No hospital service corporation shall invest in any securities other than securities permitted by the laws of this State for the investment of assets of life insurance companies, banks, trust companies, executors, administrators and guardians.

Reserves.

Every such corporation after the first full year of doing business after the passage of this Act shall accumulate and maintain, in addition to proper reserves for current administrative liabilities and whatever reserves are deemed adequate and proper by the Commissioner of Insurance for unpaid hospital bills, and unearned membership dues, a special contingent surplus or reserve at the following rates annually of its gross annual collections from membership dues, exclusive of receipts from cost plus plans, until said reserve shall equal three times its average monthly expenditures for hospital claims and administrative and selling expenses.

Rates.

1. 1st \$200,000.00 .....	4%
2. Next \$200,000.00 .....	2%
3. All above \$400,000.00 .....	1%

Maintenance of reserves in excess of requirements.

Any such corporation may accumulate and maintain a contingent reserve in excess of the reserve hereinabove provided for, not to exceed an amount equal to three times the average monthly expenditures for hospital claims and administrative and selling expenses.



In the event the Insurance Commissioner finds that special conditions exist warranting an increase or decrease in the reserves or schedule of reserves, hereinabove provided for, it may be modified by the Insurance Commissioner accordingly, provided however, when special conditions exist warranting an increase in said schedule of reserves, said schedule shall not be increased by the Insurance Commissioner until a reasonable length of time shall have elapsed after notice of such increase.

Increase and decrease in reserves.

SEC. 9. Reports: Every such corporation shall annually on or before the first day of March of each year, file in the office of the Commissioner of Insurance a sworn statement verified by at least two of the principal officers of the said corporation showing its condition on the thirty-first day of December, then next preceding; which shall be in such form and shall contain such matter as the Commissioner of Insurance shall prescribe. In case any such corporation shall fail to file any such annual statement as herein required, the said Commissioner of Insurance shall be authorized and empowered to suspend the certificate of authority issued to such corporation until such statement shall be properly filed.

Reports filed with Insurance Commissioner.

SEC. 10. Visitations: The Commissioner of Insurance or any deputy or examiner or other person whom he may appoint, shall have the power of visitations and examination into the affairs of any such corporation and free access to all the books, papers and documents that relate to the business of the corporation, and may summon and qualify witnesses under oath to examine its officers, agents, or employees or other persons in relation to the affairs, transactions and conditions of the corporation, the actual expense of which shall be paid by the association so examined.

Visitations and examinations into affairs of corporations.

SEC. 11. Expenses: All acquisition expenses in connection with the solicitation of subscribers to such hospital service plan and administration costs including salaries paid to officers of the corporations, if any, shall at all times be subject to inspection by the Commissioner of Insurance.

Administration expenses and costs subject to inspection.

SEC. 12. Licensing of Agents: Every agent of any hospital service corporation authorized to do business in this State under the provisions of this Act shall be required to obtain annually from the Insurance Commissioner a license under the seal of his office showing that the company for which he is agent is licensed to do business in this State and that he is an agent of such company and duly authorized to do business for it. And every such agent, on demand, shall exhibit his license to any officer or to any person from whom he shall solicit hospital service. For said license, each agent shall annually pay the sum of one (\$1.00) dollar. Before a license is issued to an agent, hereunder, the agent and the company for which he desires to act, shall apply for the license on forms to be prescribed by the

Licensing of agents.

Annual license.

Exhibition of license, on demand.

Fees.

Applications.



Examinations.	Insurance Commissioner, and before he issues a license to such agent, the Insurance Commissioner shall satisfy himself by examination that the person applying for a license as an agent is a person of good moral character, that he intends to hold himself out in good faith as a hospital service agent and has sufficient knowledge of the business proposed to be done; that he has not wilfully violated any of the insurance laws of the State, and that he is a proper person for such position, and that such license, if issued, shall serve the public's interest. For said examination applicant shall pay the sum of ten (\$10.00) dollars. All agents operating as such for corporation subject to the provisions of this Act on the date of its ratification are deemed qualified to act as such without the examination herein provided for. Licenses issued hereunder shall be subject to revocation by the Insurance Commissioner for cause and if any person shall assume to act as an agent or broker without obtaining the license herein provided for, or makes any false statements or representations concerning the said hospital service, knowingly or willfully, he shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars for each offense.
Qualifications.	
Examination fee.	
Revocation of licenses.	
Certain acts made misdemeanors.	
Punishment.	
Revocation of corporation's license.	<p>SEC. 13. Dissolution: Whenever the Insurance Commissioner shall find as a fact that any corporation subject to the provisions of this Act, is being operated for profit or fraudulently conducted, or is not complying with the provisions of this Act, he shall be authorized to revoke the certificate of authority or license theretofore granted and may at any time thereafter institute or cause to be instituted the necessary proceedings under the laws of this State looking to the dissolution of such corporation, and any dissolution, liquidation, merger, or reorganization of a corporation or corporations subject to the provisions of this Act shall be under the supervision of the Insurance Commissioner who shall have all powers with respect thereto granted to him under the insurance laws of this State. If, at any time, a corporation organized under the provisions of this Act is financially unable to comply with the provisions of this Act or to comply with any of the provisions of any of the hospital contracts or subscribers' contracts issued by said corporation in pursuance of this Act, the Commissioner of Insurance shall have the right without court action, to transfer all its assets, liabilities, and obligations, to any other corporation, whether organized under the provisions of this Act, or not, under such contract of reinsurance with such transferee corporation, that he deems to the best interests of the corporation, its members and creditors whose assets, obligations and liabilities, are transferred. This action on the part of the Insurance Commissioner is without prejudice to the rights of the corporations whose assets, liabilities and obligations are so transferred,</p>
Dissolution proceedings.	
Powers and rights of Commissioner when corporation becomes financially unable to comply with contracts, etc.	
Rights of corporation to question action taken by Commissioner.	

to institute other and proper legal remedies, and to question the action so taken by the Insurance Commissioner as herein provided, provided, however, that the action taken by the Insurance Commissioner herein shall not be effected pending a final determination by the courts with reference thereto.

SEC. 14. Taxation: Every corporation subject to the provisions of this Act is hereby declared to be a charitable and benevolent corporation and all of its funds and property shall be exempt from every State, county, district municipal and school tax or assessment, and all other taxes and license fees, from the payment of which charitable and/or benevolent institutions are now or shall be hereafter exempt. For the purpose of raising revenues sufficient to defray the expenses of the administration of this Act, and in lieu of all other taxes an annual franchise or privilege tax is hereby levied upon every corporation subject to the provisions of this Act at the rate of one-third of one per cent of the gross annual collections from membership dues exclusive of receipts from cost plus plans. The General Assembly of North Carolina does hereby appropriate the sum of four thousand dollars (\$4,000.00) annually from its general funds to be paid over to the Department of Insurance of this State for its use in the discharge of the duties by this Act imposed upon the Commissioner of Insurance of this State.

Exemption from certain taxes.

Annual franchise tax.

Appropriation for administration expenses of Commissioner.

SEC. 15. Amendments to Charter: Every such corporation subject to the provisions of this Act shall, prior to any amendments of its certificate of incorporation, file with the Commissioner of Insurance, two copies of the proposed amendment. Every amendment to a certificate of incorporation of any corporation subject to the provisions of this Act, shall have annexed thereto the approval of the Insurance Commissioner before the same shall be filed with the Secretary of State.

Amendments to certificate of incorporation.

SEC. 16. Cost Plus Plans: Any corporation organized under the provisions of this Act shall be authorized as agent of any other corporations, firm, group, partnership, or association, doing business in this State, to administer on behalf of such corporation, firm, group, partnership, or association, doing business in this State, any employee group hospitalization or medical service plan, promulgated by such corporation, firm, group, partnership, or association, on a cost plus administrative expense basis, provided only that administrative costs of such a cost plus plan administered by a corporation organized under the provisions of this Act, acting as an agent as herein provided, shall not exceed the remuneration received therefor, and provided further that the corporation organized under this Act administering such a plan shall have no liability to the subscribers or to the hospitals for the success or failure, liquidation or dissolution of such group hospitalization and provided further, that nothing herein contained shall be construed to require of said

Cost plus plans.

Conditions for issuance of contracts on such basis.

Construction of Act.

corporation, firm, group, partnership, or association, conformity to the provisions of this Act if such employee group hospitalization is administered by a corporation organized under this Act, on a cost plus expense basis. The administration of any cost plus plans as herein provided, shall not be subject to regulation or supervision by the Insurance Commissioner.

Pre-existing  
hospital service  
corporations.

SEC. 17. Pre-existing Hospital Service Corporations: No corporations organized under the laws of this State prior to the ratification of this Act, for the purposes herein provided, shall be required to reincorporate as provided for herein, and the provisions of this Act shall apply to said corporations only with regard to operations by said corporations with respect to subscribers contracts, participating hospital contracts, reserves, investments, reports, visitations, expenses, taxation, amendments to charters, supervision of Commissioner of Insurance, application for certificate, issuance of certificates, licensing of agents after the date of the passage of this Act, provided, however, as soon as practical hereafter and in accordance with rules and regulations adopted by the Insurance Commissioner, said corporations shall conform to this Act as near as practical with respect to subscribers contracts, endorsements, riders, and applications entered into prior to the ratification of this Act.

Construction of  
Act as to single  
employer plans.

SEC. 18. Nothing in this Act shall be construed to effect or apply to hospital service plans which limit their membership to employees and the immediate members of the families of the employees of a single employer and which plans are operated by such employer or such limited group of the employees; and such hospital service plans are hereby exempt from the provisions of this Act. The Insurance Commissioner may require from any such hospital service plan such information as will enable him to determine whether such hospital service plan is exempt from the provisions of this Act.

Conflicting laws  
repealed.

SEC. 19. Operation on Prior Laws: That all laws or clauses of laws in conflict with this Act are hereby repealed, but only to the extent to which they are in conflict.

Partial invalidity  
section.

SEC. 20. Separability: If it shall be held that any section, clause, sentence, or other portions of this Act is unconstitutional the remaining portions of this Act shall remain in full force and effect.

SEC. 21. Effective Date: That this Act be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 101

## CHAPTER 339

AN ACT TO AMEND THE REVENUE ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, THE SAME BEING CHAPTER ONE HUNDRED AND FIFTY-EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, PROHIBITING THE SALE OF FORTIFIED WINES IN DRY COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION A. The title of this Act shall be the "Fortified Wine Control Act of one thousand nine hundred and forty-one." Title of Act.

SECTION B. The purpose of this Act is to prevent and prohibit sales of fortified wines at any places in the State except through county operated Alcoholic Beverage Control Stores and to regulate such sales. Purpose.

SECTION 1. Fortified wines shall mean any wine or alcoholic beverage made by fermentation of grapes, fruit and berries and fortified by the addition of brandy or alcohol or having an alcoholic content of more than fourteen per cent of absolute alcohol, reckoned by volume. Definition of "fortified wines."

SEC. 2. It shall be unlawful for any person, firm or corporation, except Alcoholic Beverage Control Stores operated in North Carolina to sell, or possess for sale, any fortified wines as defined herein. It shall be unlawful for any person to purchase on order and receive by mail or express from any such Alcoholic Beverage Control Store fortified wines in quantities not in excess of one gallon at any one time. Upon the request of any chief of police or sheriff any Alcoholic Beverage Control system shall furnish the names of any persons ordering such wines, and the dates and amounts of such orders. Nothing herein contained shall be construed to permit any person to order and receive by mail or express any spirituous liquors. Certain sales, etc., of fortified wines prohibited. Certain orders from A.B.C. stores, prohibited. Names of persons ordering wines furnished police or sheriff.

SEC. 3. That Section twenty-four of Chapter forty-nine of the Public Laws of one thousand nine hundred and thirty-seven be and the same is hereby repealed and the following is inserted in lieu thereof: Sec. 24, Ch. 49, Public Laws, 1937, rewritten.

"SEC. 24. The term 'alcoholic beverage,' as used in this Act is hereby defined to be and to mean alcoholic beverages of any and all kinds which shall contain more than fourteen per centum of alcohol by volume, and this Act is not intended to apply to, or regulate, the possession, sale, manufacture or transportation of beer, wines or ales containing a lower alcoholic content than above specified, and whenever the term alcoholic beverages is used in this Act, it shall be construed as defined in this Section." Definition of "alcoholic beverage."



Effective May 1, 1941, Ch. 158, Public Laws, 1939, amended, as to Beverage Control Act.

SEC. 4. That effective May first one thousand nine hundred and forty-one, Article VI, Schedule F of the Revenue Act of one thousand nine hundred and thirty-nine, the same being Chapter one hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine, be and the same is hereby amended as follows:

Sec. 501 (c), definition of fortified wines, repealed.

Subsection (a) By striking out and repealing Subsection (c) of Section five hundred and one.

Sec. 502, amended, as to sale and transportation of wines.

Subsection (b) By inserting a semicolon in lieu of the period at the end of Section five hundred and two and adding thereto the following: "Provided, however, that, except as otherwise provided by law, no wines shall be transported or sold in this State unless there be firmly fastened or impressed on the barrel, bottle, or other container in which the same may be a written statement showing that the same are not fortified and that the alcoholic content thereof reckoned by volume, is not more than fourteen per cent."

Possession, sale, etc., of certain wines, made misdemeanor.

The possession, transportation, or sale of wines defined in Section five hundred and one (b) without such statement, and any misrepresentation made in any such statement, shall constitute a misdemeanor and be punished as provided in Section five hundred and twenty-five of this article. Except as otherwise provided by law, the manufacture, possession, transportation or sale of wines other than those defined in Section five hundred and one (b) of this article, including fortified wines, shall be subject to all the provisions of Chapter one of the Public Laws of one thousand nine hundred and twenty-three, commonly called the Turlington Act, as amended and supplemented.

Application of Turlington Act to possession, sale, etc., of certain wines.

Sec. 505, amended, as to bottler's license.

Subsection (c) By striking out of Section five hundred and five the words "or (c), or both" in line seven, and the words "and (c) or either" in line twelve.

Sec. 506, amended, as to wholesaler's license.

Subsection (d) By striking out of the second paragraph of Section five hundred and six the words "and (c), or either" in line two, and the words "and (c) or either" in line six.

Sec. 509, amended, as to character of license.

Subsection (e) By striking out of Section five hundred and nine and one-half "and (c)" in line two.

Sec. 512, amended as to county license.

Subsection (f) By striking out of Section five hundred and twelve "and (c)" in the next to the last line.

Sec. 516, amended, as to State license.

Subsection (g) By striking out of Section five hundred and sixteen "and (c)" in line two and in lines twenty-six and thirty.

Sec. 517 (r), amended, as to additional tax on wines.

Subsection (h) By inserting a period in lieu of the comma after the word "gallon" in line three of the first paragraph of Subsection (r) of Section five hundred and seventeen and by



striking out the remainder of said paragraph which reads "and in Section five hundred one (c) of this article a tax of thirty cents (30c) per gallon."

Subsection (i) By striking out the word "section" in line one of the second paragraph of Subsection (r) of Section five hundred and seventeen and inserting in lieu thereof the word "Subsection".

Sec. 517 (r),  
amended further.

Subsection (j) By striking out the last sentence of the second paragraph of Subsection (r) of Section five hundred and seventeen and inserting in lieu thereof the following: "Stamps for said wine bottles or containers of more or less than one gallon shall be proportioned to the tax levied in this subsection upon the wine defined in Section five hundred and one (b) of this article, but the stamp on any single bottle or container shall not be less than one cent (1c)."

Sec. 517 (r),  
amended further,  
as to stamps  
for wine bottles,  
etc., of less  
than gallon.

Subsection (k) By striking out of Section five hundred and eighteen the words "and five hundred one (c)" in line six.

Sec. 518,  
amended, as to  
tax payable by  
wholesale  
distributors.

Subsection (l) By adding the words: "fortified wines" after the words: "sale of" and before the word: "spirituous" in line two of Section five hundred and nineteen and one-half, and by adding the words: "fortified wines and spirituous" after the words: "retail price of" and before the words: "distilled liquors" in line four of Section five hundred and nineteen and one-half.

Sec. 519½,  
amended, as  
to tax on  
spirituous  
liquors.

Subsection (m) By adding at the end of Section five hundred and nineteen and one-half the following "fortified wines may be sold in county Alcoholic Beverage Control Stores duly established under the authority of Chapter forty-nine of the Public Laws of one thousand nine hundred and thirty-seven, as amended.

Sec. 519½,  
amended further,  
as to sale of  
fortified wines in  
A.B.C. Stores.

SEC. 5. The violation of Section two of this Act by any person, firm or corporation shall constitute a misdemeanor punishable as provided in Section five hundred and twenty-five of Chapter one hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine.

Violation of  
Sec. 2, this Act,  
made misde-  
meanor.

SEC. 6. The provisions of Chapter forty-nine of the Public Laws of one thousand nine hundred and thirty-seven, as amended, shall apply to fortified wines: Provided, that nothing in this Act shall be construed as repealing or changing the provisions of Chapter three hundred and ninety-four and five hundred and seventy-nine of the Public-Local and Private Laws of one thousand nine hundred and thirty-seven.

Application of  
Ch. 49, Public  
Laws, 1937,  
to fortified  
wines.

Chs. 394 and  
579, Public-Local  
Laws, 1937, not  
repealed.

Provided that it shall be legal to sell sweet wines in hotels, grade A restaurants, drug stores and grocery stores in any county in which the operation of Alcoholic Beverage Control

Sale of sweet  
wines in counties  
having A.B.C.  
stores.

Sweet wines, defined.	Stores is authorized by law; such sales, however, shall be subject to the rules and regulations of the State Alcoholic Beverage Control Board. For the purpose of this Act as amended, sweet wines shall be any wine made by fermentation from grapes, fruits or berries, to which nothing but pure brandy has been added, which brandy is made from the same type of grape, fruit or berry, which is contained in the base wine to which it is added, and having an alcoholic content of not less than fourteen per centum (14%) and not more than twenty per centum (20%) of absolute alcohol, reckoned by volume:
Licensing of wholesale distributors, A.B.C. store counties.	Provided further that the State Alcoholic Control Board shall approve and authorize the licensing of wholesale wine distributors in such counties where Alcoholic Board Control Stores are operated.
Effective dates as to particular provisions of Act.	SEC. 7. This Act shall be in full force and effect on and after midnight, July first, one thousand nine hundred and forty-one, in so far as it applies to the sale of fortified wines, but the effective date of same as applicable to wholesale distributors shall be midnight, July fifteenth, one thousand nine hundred and forty-one. The intent of this section being to grant to the wholesale distributors fifteen (15) days time in which to deplete the entire stock of the retailers, package and return same to such wineries from which said wines were purchased. The Commissioner of Revenue is hereby empowered and directed to reimburse all wholesale distributors in an amount of money equivalent to the sum represented by North Carolina wine tax stamps in possession of said wholesale distributors, whether affixed to containers or not, as of July second, one thousand nine hundred and forty-one. Such distributors claiming refunds hereunder shall prepare and forward to the Commissioner of Revenue sworn itemized statements of such tax stamps in their possession, and the Commissioner of Revenue is empowered to audit and verify such statements before granting refunds.
Intent of Section.	
Tax refunds.	
Itemized statements of tax stamps on hand.	
Effective date.	Sec. 8. This Act shall be in full force and effect on and after May first one thousand nine hundred and forty-one.  In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 265

## CHAPTER 340

AN ACT TO APPROPRIATE THE SUM OF TEN THOUSAND DOLLARS (\$10,000.00) TO BE USED BY THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT IN REPAIRING, RECONSTRUCTING OR BUILDING A SPILLWAY AT THE MOUTH OF WACCAMAW RIVER IN COLUMBUS COUNTY.

WHEREAS, Waccamaw Lake in Columbus County is by legislative enactment a unit of the State Park System, under control and supervision of the Department of Conservation and Development, and is open to and used by the public for recreation; and

Preamble:  
Use of Waccamaw Lake by public for recreation.

WHEREAS, it is desirable and necessary to maintain a reasonable constant water level so that the recreational advantages of Waccamaw Lake may be fully enjoyed by the people of the State, and in order to maintain a constant water level it is necessary to repair or reconstruct the spillway at the mouth of Waccamaw River: Now, therefore,

Maintenance of constant water level necessary.

Repairs to spillway necessary.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in addition to all other appropriations which are or hereafter may be made to the Department of Conservation and Development, the Governor and Council of State are authorized and directed to allocate thereto from the contingency and emergency fund the sum of ten thousand dollars (\$10,000.00), which sum or so much thereof as may be required, is to be used by the Department of Conservation and Development exclusively for the purpose of repairing, reconstructing, or building a spillway at the mouth of Waccamaw River in Columbus County.

Appropriation for repairing, reconstructing or building spillway at mouth of Waccamaw River, Columbus County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 116

## CHAPTER 341

AN ACT TO PROVIDE A MEMORIALS COMMISSION IN AND FOR THE STATE OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That a Memorials Commission in and for the State of North Carolina is hereby created, to consist of the following officials, ex-officio: The Governor of North Carolina,

Memorials Commission, created.  
Members.

the Secretary of the North Carolina Historical Commission, the head of the Art Department of the University of North Carolina at Chapel Hill, the head of the History Department of the University of North Carolina at Chapel Hill, and the head of the Department of Architecture of the North Carolina State College of Agriculture and Engineering. The Memorials Commission shall have the power to adopt its own rules and to elect such officers from its own members as may be deemed proper. Three commissioners shall constitute a quorum. The members shall serve without compensation.

Adoption of rules.

Officers ; quorum.

No compensation.

Approval of memorials by Commission before accepted by State.

Regulation of existing memorials, etc.  
"Work of art," defined.

Section not applicable to State Highway markers.

Approval of design and location of certain bridges and other structures.

Approval of plans to remove or remodel such structures.

Effect of Act on Ch. 197, Public Laws, 1935.

Governor authorized to accept gifts to State of works of art, approved by Commission.

SEC. 2. That no memorial or work of art shall hereafter become the property of the State by purchase, gift or otherwise, unless such memorial or work of art or a design of the same, together with the proposed location of the same, shall first have been submitted to and approved by said Memorials Commission; nor shall any memorial or work of art, until so submitted and approved, be contracted for, placed in or upon or allowed to extend over any property belonging to the State. No existing memorial or work of art owned by the State shall be removed, relocated, or altered in any way without approval of the Memorials Commission. The term "work of art" as used in this section shall include any painting, portrait, mural decoration, stained glass, statue, bas-relief, sculpture, monument, tablet, fountain, or other article or structure of a permanent character intended for decoration or commemoration. This section, however, shall not apply to markers set up by the State Highway and Public Works Commission in coöperation with the Department of Conservation and Development and the State Historical Commission as provided by Chapter one hundred and ninety-seven of the Public Laws of one thousand nine hundred and thirty-five.

SEC. 3. That no bridge, arch, gate, fence or other structure intended primarily for ornamental or memorial purposes and which is paid for either wholly or in part by appropriation from the State Treasury, or which is to be placed on or allowed to extend over any property belonging to the State, shall be begun unless the design and proposed location thereof shall have been submitted to said Memorials Commission and approved by it. Furthermore, no existing structures of the kind named and described in the preceding part of this section owned by the State, shall be removed or remodeled without submission of the plans therefor to the Commission and approval of said plans by the Commission. This section shall not be construed as amending or repealing Chapter one hundred and ninety-seven of the Public Laws of one thousand nine hundred and thirty-five.

SEC. 4. That the Governor of North Carolina is hereby authorized to accept, in the name of the State of North Carolina, gifts to the State of works of art as defined in Section two of this Act. But no work of art shall be so accepted unless and



until the same shall have been first submitted to said Memorials Commission and by it judged worthy of acceptance.

SEC. 5. That upon request of the Governor and the Board of Public Buildings and Grounds, said Memorials Commission shall act in an advisory capacity relative to the artistic character of any building constructed, erected, or remodeled by the State. The term "building" as used in this section shall include structures intended for human occupation, and also bridges, arches, gates, walls, or other permanent structures of any character not intended primarily for purposes of decoration or commemoration.

Duties as to buildings erected or remodeled by State.

"Building," defined.

SEC. 6. That any member of said Memorials Commission who shall be employed by the State to execute a work of art or structure of any kind requiring submission to the Commission, or who shall take part in a competition for such work of art or structure, shall be disqualified from voting thereon, and the temporary vacancy thereby created may be filled by appointment by the Governor.

Disqualification of members to vote on work of art, etc.

Temporary vacancy filled.

SEC. 7. That the provisions of this Act shall not be construed to include exhibits of an educational nature arranged by museums or art galleries administered by the State or any of its agencies or institutions, or to prevent the placing or portraits of officials, officers, or employees of the State in the offices or buildings of the departments, agencies, or institutions with which such officials, officers, or employees are or have been connected. But upon request of such museums or agencies, said Memorials Commission shall act in an advisory capacity as to the artistic qualities and appropriations of memorial exhibits or works of art submitted to it.

Construction of Act.

SEC. 8. That no monument, statue, tablet, painting, or other article or structure of a permanent nature intended primarily to commemorate any person or persons shall be purchased from State funds or shall be placed in or upon or allowed to extend over State property within twenty-five years after the death of the person or persons so commemorated: Provided, nevertheless, that nothing in this Act shall be interpreted as prohibiting the acceptance of funds by State agencies or institutions from individuals or societies who wish to commemorate some person or persons by providing funds for educational, health, charitable, or other useful work. The agency or institution to which such funds are offered for memorial enterprises shall exercise its discretion as to the acceptance and expenditure of such funds.

Monuments, etc., for commemorating persons, within 25 years of death, forbidden on State property; etc.

Acceptance by State of funds for educational and other useful work, to commemorate persons, authorized.

SEC. 9. That all Acts or parts of Acts in conflict herewith are hereby repealed.

Conflicting laws, repealed.

SEC. 10. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.



## S. B. 173

## CHAPTER 342

AN ACT TO AMEND CONSOLIDATED STATUTES FIVE THOUSAND THREE HUNDRED AND NINETEEN, VOLUME TWO, ONE THOUSAND NINE HUNDRED AND NINETEEN, RELATING TO THE ENFORCEMENT OF THE PAYMENT OF THE PRELIMINARY EXPENSES IN THE ESTABLISHMENT OF DRAINAGE DISTRICTS.

*The General Assembly of North Carolina do enact:*

C. S. 5319,  
amended.

SECTION 1. That Consolidated Statutes five thousand three hundred and nineteen, Volume two, one thousand nine hundred and nineteen, be, and the same is hereby, amended by inserting after the period following the word "provided" in line fourteen, and before the words "The board" in line fifteen, the following:

Lien of  
assessment for  
preliminary  
expenses  
incident to  
establishment  
of drainage  
district.

"The assessment above provided for which has been or may hereafter be levied shall constitute a first and paramount lien, second only to State and county taxes, upon the lands so assessed, and shall be collected in the same manner and by the same officers as county taxes are collected."

Pending litigation  
not affected.

SEC. 1½. That the provisions of this Act shall not apply to pending litigation.

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. B. 187

## CHAPTER 343

AN ACT TO AMEND CONSOLIDATED STATUTES FOUR THOUSAND SIX HUNDRED AND EIGHTY-NINE (a), FOUR THOUSAND SIX HUNDRED AND EIGHTY-NINE (b), FOUR THOUSAND SIX HUNDRED AND EIGHTY-NINE (c), AND FOUR THOUSAND SIX HUNDRED AND EIGHTY-NINE (d), VOLUME THREE, ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR, RELATING TO THE COLLECTION OF AGRICULTURAL STATISTICS AND REPORTS IN THIS STATE.

*The General Assembly of North Carolina do enact:*

C. S. 4689 (a)-  
4689 (d),  
inclusive,  
rewritten.

SECTION 1. That Consolidated Statutes four thousand six hundred and eighty-nine (a), four thousand six hundred and eighty-nine (b), four thousand six hundred and eighty-nine (c), and four thousand six hundred and eighty-nine (d), Volume

three, one thousand nine hundred and twenty-four, be, and the same are hereby, repealed and the following substituted in lieu thereof:

"4689 (a). The Department of Agriculture shall collect, compile, systematize, tabulate, and publish statistical information relating to agriculture. The said department is authorized to coöperate with the United States Department of Agriculture and the several boards of county commissioners of the State, to accomplish the purpose of this Act.

Collection and publication of information relating to agriculture.

Coöperation with U. S. Department of Agriculture.

"4689 (b). The said department shall annually provide and submit report books or forms to the official in charge of tax listing in each county of the State, as may be necessary for procuring and tabulating all statistical survey information required by this Act. The tax supervisor or other person charged with tax supervision of each county in the State shall prepare each township book and supply to each list taker of each county the report books or forms provided herein, and shall instruct such list taker as to his duties in carrying out the provisions of this Act. Such report books or forms shall be furnished the list taker before he enters upon his duties as list taker. It shall be the duty of each list taker and his assistants in each county of the State to fill out or cause to be filled out in the report books or forms, herein provided for and received by him, authentic information required to be tabulated therein, and, upon completion of such tabulation, shall return and deliver the said books or forms to the tax supervisor or other person performing such duties, within ten days after the time prescribed by law for securing the tax lists of his county. The tax listing supervisor or other person charged with tax supervision in such county shall inspect said books or forms for the purpose of determining whether or not at least ninety per cent of the tracts of land of such county are reported on in such report books or forms before accepting or paying the person performing these duties for his services. Upon being satisfied that the report books or forms are properly filled out in accordance with this Act, the tax supervisor or other person charged with tax listing supervision shall, within ten days after acceptance thereof, transmit and deliver such report books or forms to the Department of Agriculture. The information required in this Act shall be held confidential by the tax supervisor or other person charged with this duty of tax supervision, by the list taker or his assistants obtaining the same, and by the Department of Agriculture. No information shall be required hereunder on farm tracts consisting of less than three acres.

Submission of report books or forms to local officials in charge of tax listing.

Duties of tax supervisors.

Duties of list takers as to tabulation of information, etc.

Inspection of books and forms by tax supervisors.

Transmittal of report books, etc., to Department of Agriculture.

Confidential nature of information.

"4689 (d). As compensation for services performed under the provisions of this Act, the list taker or his assistants shall be paid an amount to be determined by the board of county commissioners of the county in which such services are performed.

Compensation of list takers.

Examination of report books, etc., by Department of Agriculture.

When report books, etc., not complete, same returned for proper completion.

Conflicting laws repealed.

Upon receipt by the Department of Agriculture of the report books or forms, herein provided for, they shall be examined in order to determine whether or not they have been properly filled out in accordance with the provisions of this Act. Upon being satisfied that the information desired is in proper form, the tax supervisor or other person charged with tax supervision delivering the same shall be receipted therefor. If report books or forms are not complete in accordance with the provisions of this Act, they shall be duly returned to such tax supervisor or person charged with his duties, in order that the same may be properly completed."

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. B. 249

## CHAPTER 344

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE AS AMENDED RELATING TO THE AUTHORITY OF THE NORTH CAROLINA STATE BAR.

*The General Assembly of North Carolina do enact:*

Sec. 2, Ch. 210, Public Laws, 1933, amended, as to classes of membership of N. C. State Bar.

SECTION 1. That Section two of Chapter two hundred and ten of the Public Laws of one thousand nine hundred and thirty-three be and the same is hereby amended by striking out the first three lines of said section and substituting in lieu thereof the following:

"The membership of The North Carolina State Bar shall consist of three classes—active, honorary, and inactive."

Sec. 2, amended further, relative to inactive members.

SEC. 2. That Section two of Chapter two hundred and ten of the Public Laws of one thousand nine hundred and thirty-three be and the same is hereby amended by striking out the period after the words "State of North Carolina" in line seven of said section and inserting a comma and adding the following:

"unless classified as an inactive member of the Council as hereinafter provided."

Sec. 2, amended further.

SEC. 3. That Section two of Chapter two hundred and ten of the Public Laws of one thousand nine hundred and thirty-three be and the same is hereby amended by inserting after

the third and before the fourth un-numbered paragraph thereof the following:

"Inactive members shall be all persons found by the Council to be not engaged in the practice of law and not holding themselves out as practicing attorneys and not occupying any public or private positions in which they may be called upon to give legal advice or counsel or to examine the law or to pass upon the legal effect of any act, document, or law."

Inactive members,  
defined.

SEC. 4. That Section eight of Chapter two hundred and ten of the Public Laws of one thousand nine hundred and thirty-three be and the same is hereby amended by striking out the words "a vice-president" in line three between the words "president" and the word "and" and substituting in lieu thereof the following:

Sec. 8, amended,  
providing for a  
first and a  
second vice-  
president of  
N. C. State Bar.

"a first vice-president, a second vice-president."

SEC. 5. That Section eight of Chapter two hundred and ten of the Public Laws of one thousand nine hundred and thirty-three be and the same is hereby amended by striking out the word "vice-president" in line six between the word "and" and the word "shall" and substituting in lieu thereof the word "vice-presidents."

Sec. 8, amended  
further, as to  
vice-presidents.

SEC. 6. That Section ten of Chapter two hundred and ten of the Public Laws of one thousand nine hundred and thirty-three, as heretofore amended, be and the same is hereby amended by adding at the end of said section a new paragraph reading as follows:

Sec. 10, amended.

"Whenever the Council shall order the restoration of license to any person as authorized by section 15 of this Act, it shall be the duty of the Board of Law Examiners to issue a written license to such person, noting thereon that the same is issued in compliance with an order of the Council of The North Carolina State Bar, whether the license to practice law was issued by the Board of Law Examiners or the Supreme Court in the first instance."

Duty of Board  
of Law  
Examiners when  
Council orders  
restoration  
of license.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 276

CHAPTER 345

AN ACT TO PROVIDE A SALARY SCHEDULE FOR MEMBERS OF THE STATE HIGHWAY PATROL AND TO MAKE AN ADDITIONAL APPROPRIATION FOR THE SUPPORT THEREOF.

*The General Assembly of North Carolina do enact:*

Appropriation from Highway Fund for support of Highway Patrol.

SECTION 1. That there is hereby appropriated from the Highway Fund, in addition to all other sums otherwise appropriated, for the support of the Highway Patrol, for the fiscal year one thousand nine hundred and forty-one, one thousand nine hundred and forty-two, thirty thousand dollars (\$30,000.00), and for the fiscal year one thousand nine hundred and forty-two, one thousand nine hundred and forty-three, thirty-five thousand dollars (\$35,000.00), said additional appropriation being made in order to provide funds for the payment of the additional salaries.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 295

CHAPTER 346

AN ACT TO PERMIT ABSENTEE VOTING IN PRIMARIES BY CITIZENS OF NORTH CAROLINA WHO MAY BE IN MILITARY OR NAVAL SERVICE OF THE UNITED STATES.

*The General Assembly of North Carolina do enact:*

Voting in primary elections by persons in military or other armed forces of U. S.

SECTION 1. Any qualified voter entitled to vote in the primary of any political party, who, on the date of such primary, is in the military, naval or other armed forces of the United States may vote in the primary of the party of his affiliation in the manner as hereinafter provided.

Act void upon repeal of Selective Service Act.

SEC. 1-a. That this Act shall be null and void on or after the repeal of the Selective Service Act of one thousand nine hundred and forty by the Congress of the United States of America.

Application for ballot.

SEC. 2. Such voter at any time before the date of the primary may make an application in writing duly signed by him or signed in his name by a member of his immediate family (wife, brother, sister, parent or child) to the chairman of the



county board of elections of his county for an official primary ballot of the party of his affiliation as shown by the party primary registration books.

Said application shall show the precinct in which the applicant is registered and entitled to vote and the company or other armed unit of which he is a member.

Information shown on application.

The county board of elections shall furnish appropriate application blanks to any such voter or the immediate family of such on request. The application, however, shall not be required to be on such form but may be informally made in writing signed by the voter or signed in his name by a member of his immediate family as herein defined.

Blanks furnished by county board of elections.

Informal application.

SEC. 3. Upon the receipt of such application the chairman of the county board of elections of the county of the voter's residence shall enter on a register kept for that purpose the name of the applicant, his party affiliation and the precinct in which applicant is entitled to vote as shown by the application.

Name of applicant and other information entered on register.

SEC. 4. The chairman of the county board of elections after registering said application shall mail to the applicant the official primary ballot of the political party with which the applicant is affiliated, certifying on said ballot that it was furnished to the voter, naming him, whose application for the ballot was made to the chairman of the county board signing the same.

Official primary ballot mailed to applicant.

Certification of certain facts.

SEC. 5. On the back of the ballot a certificate shall be printed in the following words:

Form of certificate on back of ballot.

I, \_\_\_\_\_, a duly registered Democrat—Republican (Strike whichever is inappropriate) in \_\_\_\_\_ Precinct, \_\_\_\_\_ County, do hereby certify that I am a qualified voter of said Precinct; that I am in the Armed forces of the United States, a member of \_\_\_\_\_ Company or unit and am sending this ballot duly marked by me to the Chairman of the County Board of Elections of the County of my residence to be voted in the forthcoming Primary of said party.

Witness my hand in the presence of my commanding officer this the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Witnesses:

\_\_\_\_\_  
Name of Officer.

\_\_\_\_\_  
Title and Unit.

SEC. 6. The chairman of the county board of elections shall send with the official ballot an envelope for the return of the

Envelope for return of ballot.

ballot addressed to the chairman and having printed thereon the following form:

Form printed  
on envelope.

This envelope contains the ballot of \_\_\_\_\_,  
a member of the Armed forces of the United States to be voted  
in \_\_\_\_\_ Precinct, \_\_\_\_\_  
County, in the Primary of the \_\_\_\_\_ Party  
to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Signature of Voter.

Voting of  
ballot.

SEC. 7. The voter receiving said ballot may vote same by properly marking the ballot, completing the certificate on the back thereof and signing his name to said certificate in the presence of his commanding officer or a commissioned officer who shall sign his name thereto as witness to the signature of the voter.

Ballot placed in  
envelope  
furnished,  
and mailed.

The ballot shall then be placed in the envelope furnished, securely sealed, the voter completing and signing the certificate on the back of the envelope and mailing the same to the chairman of the county board of elections by United States mail.

Delivery of  
ballots to  
appropriate  
precincts by  
chairman,  
county board  
of elections.

SEC. 8. The chairman of the county board of elections on the day of the primary shall deliver or cause to be delivered to the appropriate precinct all primary ballots received by him from members of the armed forces of the United States. Said ballots shall be delivered in the envelope in which received and without the seals being broken.

Ballots, except  
those challenged,  
deemed voted  
at 3 o'clock,  
primary day.

SEC. 9. All ballots delivered to the precinct officials by the chairman of the county board of elections shall be deemed voted at three o'clock on the day of the primary except such as may have been successfully challenged. Such ballot shall not be voted, however, unless the voter is duly registered on the primary books of the political party in whose primary he offers to vote.

Unchallenged  
ballots deposited  
and counted.

SEC. 10. At any time after three o'clock or the close of the polls all unchallenged ballots shall be deposited in the appropriate ballot box and counted as and in the same manner as other ballots are counted.

Preservation of  
envelopes in  
which ballots  
transmitted.

SEC. 11. The precinct officials with the returns of the primary shall deliver to the chairman of the county board of elections all envelopes from which absentee ballots have been voted and said envelopes with all applications received by the chairman of the county board of elections on which he has issued ballots shall be preserved for at least six months after the primary and longer if there should be reason or necessity therefor.

Register of  
ballots, public  
record.

SEC. 12. The register of the ballots issued by the chairman shall be a public record open to inspection by any voter of the county at any time.

SEC. 13. A list of all ballots received at a precinct to be voted therein shall be posted at a conspicuous place about the polls as soon as practical after receipt of the ballots and before they are voted.

List of such absentee ballots posted publicly.

SEC. 14. Any person who shall vote or attempt to vote absentee ballot in any primary, not then being a member of the armed forces of the United States, shall be guilty of a misdemeanor and punished by fine of not more than two hundred dollars (\$200.00) or imprisoned for not more than six months or both in the discretion of the court.

Unlawful voting made misdemeanor.

SEC. 15. All laws and clauses of laws, public or local, in conflict herewith are hereby expressly repealed.

Conflicting laws repealed.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 301

## CHAPTER 347

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SEVEN OF THE PUBLIC LAWS OF NORTH CAROLINA, REGULAR SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO THE OPERATION OF PICK-UP TRUCKS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter four hundred and seven of the Public Laws of North Carolina, Regular Session of one thousand nine hundred and thirty-seven be and the same is hereby amended by adding the following at the end of the third subparagraph of Subsection (b) of Section one hundred and three thereof:

Ch. 407, Public Laws, 1937, amended, as to speed limits for pick-up trucks.

“Provided the speed of forty miles per hour shall be lawful for three-quarter ton trucks and the speed limit of forty-five miles per hour shall be lawful for one-half ton or pick-up trucks.”

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. B. 306

## CHAPTER 348

AN ACT TO AUTHORIZE THE GOVERNOR TO APPOINT  
A COMMISSION TO INVESTIGATE THE FEASIBILITY  
OF ESTABLISHING ONE OR MORE FARM-TRADE  
SCHOOLS.

Preamble:  
Large number of  
boys between 16  
and 20 years,  
untrained for  
useful work.

WHEREAS, there are a large number of boys out of school between the ages of sixteen and twenty years who are without training for useful employment or gainful occupation who will soon have to assume the responsibilities of citizenship; and,

Not feasible  
for public  
schools to  
provide further  
training.

WHEREAS, the public schools could not, without excessive cost, provide for further and additional training such as the demands of today make necessary for young men to have in order to make of them useful and practical citizens; and,

Investigation of  
advisability of  
establishing  
farm-trade  
schools,  
desirable.

WHEREAS, it appears that an investigation should be authorized to determine the advisability of establishing one or more farm-trade schools in which adequate and necessary training could be provided for young men who are out of the public schools, and who are without opportunity to obtain further training; therefore,

*The General Assembly of North Carolina do enact:*

Appointment of  
Commission to  
study feasibility  
of establishing  
farm-trade  
schools.

Report to  
Governor.

Contents.

SECTION 1. That the Governor be authorized to appoint a commission of three men, one of whom shall be named chairman, to make an investigation and study of the feasibility of establishing one or more farm-trade schools in the State; that the said commission shall file its report not later than July first, one thousand nine hundred and forty-two, setting forth its findings, conclusions and recommendations, which said report shall be made to the Governor who in his discretion may transmit the same with his recommendations to the General Assembly.

Duties, etc.,  
performed by  
Commission  
authorized under  
H. R. 401  
(1941 Resolution  
No. 25).

SEC. 1½. That all the duties, investigations, studies and reports required of a commission by this Act shall be performed by the members of the commission authorized to be appointed by the Governor under House Resolution four hundred and one, which is committee substitute for House Bill four hundred and one.

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act to the extent of such conflict are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 327

## CHAPTER 349

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND TWENTY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO THE SALARY OF THE COMMISSIONER OF THE WORLD WAR VETERANS LOAN FUND.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred and twenty-one of the Public Laws of one thousand nine hundred and thirty-seven be, and the same hereby is repealed.

Ch. 321, Public Laws, 1937, repealed.

SEC. 2. That Section seven (7) of Chapter one hundred and fifty-five of the Public Laws of one thousand nine hundred and twenty-five be, and the same hereby is amended by striking out the words "of thirty-five hundred dollars" in line twelve (12), and substituting in lieu thereof the words "to be fixed by the board, said amount not to exceed the present salary."

Ch. 155, Public Laws, 1925, amended, as to salary of Commissioner, World War Veterans Loan Fund.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 345

## CHAPTER 350

AN ACT TO AMEND SECTION ONE THOUSAND THREE HUNDRED AND EIGHTY-SEVEN OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, TO INCREASE THE TERM OF OFFICE OF THE COUNTY TREASURER OF CHOWAN COUNTY FROM TWO TO FOUR YEARS, AND TO INCREASE THE SALARY OF SAID OFFICER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one thousand three hundred and eighty-seven of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, in so far as it relates to Chowan County, be further amended to read as follows:

C. S. 1387, amended, as to Treasurer of Chowan County.

"That at the general election of one thousand nine hundred and forty-four, and every four years thereafter, there shall be elected by the qualified voters of Chowan County a County Treasurer, in the same manner as provided for the election of members of the General Assembly, for a term of four years."

Election of County Treasurer, Chowan County.

Term.



Term of present incumbent.

SEC. 2. That the term of office of the present County Treasurer of Chowan County shall expire on the first Monday in December, one thousand nine hundred and forty-four.

Salary.

SEC. 3. That from and after July first, one thousand nine hundred and forty-one, the salary of the Treasurer of Chowan County shall be sixty dollars (\$60.00) per month in lieu of the present salary of fifty dollars (\$50.00) per month.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. B. 347

## CHAPTER 351

AN ACT TO AMEND HOUSE BILL NUMBER SEVEN HUNDRED AND EIGHTY-SIX RATIFIED AT THE ONE THOUSAND NINE HUNDRED AND FORTY-ONE GENERAL ASSEMBLY, WHICH IS ENTITLED "A BILL TO BE ENTITLED AN ACT TO AMEND SECTION ONE THOUSAND FOUR HUNDRED AND FORTY-THREE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN TO CHANGE THE TERMS OF SUPERIOR COURT IN CERTAIN COUNTIES."

*The General Assembly of North Carolina do enact:*

H. B. 786 (Ch. 367, Public Laws, 1941), amended, as to Superior Court Terms, Sampson County.

SECTION 1. That Section four of House Bill seven hundred and eighty-six of the one thousand nine hundred and forty-one General Assembly, which is entitled "A Bill to be Entitled an Act to Amend Section one thousand four hundred and forty-three of the Consolidated Statutes of one thousand nine hundred and nineteen to change the terms of the Superior Court in certain counties" be amended by striking out the period at the end of said section and inserting a comma and by adding the following:

"except in Sampson County wherein this act shall be in full force and effect from and after its ratification."

Effective date.

SEC. 2. That except as herein modified said Act shall be in full force and effect from the date therein stated.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 236

## CHAPTER 352

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, KNOWN AS THE NORTH CAROLINA WORKMEN'S COMPENSATION ACT, TO ALLOW INJURED EMPLOYEES TO INSTITUTE CIVIL ACTION FOR RECOVERY OF COMPENSATION AWARDED BY THE INDUSTRIAL COMMISSION AND HAVE IN SUCH ACTION ADVANTAGE OF ANCILLARY REMEDIES PROVIDED BY LAW.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred and twenty of the Public Laws of one thousand nine hundred and twenty-nine, as amended, be further amended by adding after Section sixty-eight the following new Section, to be known as sixty-eight (a):

Ch. 120, Public Laws, 1929 (Workmen's Compensation Law), amended.

"SEC. 68 (a). That as to every employer subject to the provisions of this Act who shall fail or neglect to keep in effect a policy of insurance against compensation liability arising hereunder with some insurance carrier, as provided in Section sixty-seven of this Act, or who shall fail to qualify as a self-insurer as provided in the Act, in addition to other penalties provided by this Act, such employer shall be liable in a civil action which may be instituted by the claimant for all such compensation as may be awarded by the Industrial Commission in a proceeding properly instituted before said Commission, and such action may be brought by the claimant in the county of his residence or in any county in which the defendant has any property in this State; and in said civil action, ancillary remedies provided by law in civil actions of attachment, receivership, and other appropriate ancillary remedies shall be available to the plaintiff therein. Said action may be instituted before the award shall be made by the Industrial Commission in such case for the purpose of preventing the defendant from disposing of or removing from the State of North Carolina for the purpose of defeating the payment of compensation any property which the defendant may own in this State. In said action, after being instituted, the court may, after proper amendment to the pleadings therein, permit the recovery of a judgment against the defendant for the amount of compensation duly awarded by the North Carolina Industrial Commission, and subject any property seized in said action for payment of the judgment so awarded. The institution of said action shall in no wise interfere with the jurisdiction of said Industrial Commission in hearing and determining the claim for compensation in full accord with the provisions of this Act.

Civil actions authorized against employers failing to effect insurance or qualify as self-insurer.

Venue.

Ancillary remedies.

Time action may be instituted.

Recovery of judgment.

Effect on jurisdiction of Industrial Commission to determine claim.

That nothing in this Act shall be construed to limit or abridge the rights of an employee as provided in Section 68 (b)."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 367

## CHAPTER 353

### AN ACT TO PROVIDE FOR THE TRANSFER OF SHARES OF STOCK IN CORPORATIONS AND TO MAKE UNIFORM THE LAW WITH REFERENCE THERETO.

*The General Assembly of North Carolina do enact:*

Methods of transferring title to corporate certificates and shares.

SECTION 1. How Title to Certificates and Shares may be Transferred. Title to a certificate and to the shares represented thereby can be transferred only:

Delivery of certificate with indorsement thereon.

(a) By delivery of the certificate indorsed either in blank or to a specified person by the person appearing by the certificate to be the owner of the shares represented thereby, or

Delivery of certificate and separate document with assignment or power of attorney thereon.

(b) By delivery of the certificate and a separate document containing a written assignment of the certificate or a power of attorney to sell, assign, or transfer the same or the shares represented thereby, signed by the person appearing by the certificate to be the owner of the shares represented thereby. Such assignment or power of attorney may be either in blank or to a specified person.

Section applicable although contrary to charter or by-laws.

The provisions of this section shall be applicable although the charter or articles of incorporation or code of regulations or by-laws of the corporation issuing the certificate and the certificate itself, provide that the shares represented thereby shall be transferable only on the books of the corporation or shall be registered by a registrar or transferred by a transfer agent.

Powers of persons without legal capacity, and of fiduciaries, not enlarged.

SEC. 2. Powers of Those Lacking Full Legal Capacity and of Fiduciaries not Enlarged. Nothing in this Act shall be construed as enlarging the powers of an infant or other person lacking full legal capacity, or of a trustee, executor or administrator, or other fiduciary, to make a valid indorsement, assignment or power of attorney.

Corporation not forbidden to treat registered holder as owner.

SEC. 3. Corporation not Forbidden to Treat Registered Holder as Owner. Nothing in this Act shall be construed as forbidding a corporation;

(a) To recognize the exclusive right of a person registered on its books as the owner of shares to receive dividends, and to vote as such owner, or

(b) To hold liable for calls and assessments a person registered on its books as the owner of shares.

SEC. 4. Title Derived from Certificate Extinguishes Title Derived from a Separate Document. The title of a transferee of a certificate under a power of attorney or assignment not written upon the certificate, and the title of any person claiming under such transferee, shall cease and determine if, at any time prior to the surrender of the certificate to the corporation issuing it, another person, for value in good faith, and without notice of the prior transfer, shall purchase and obtain delivery of such certificate with the indorsement of the person appearing by the certificate to be the owner thereof, or shall purchase and obtain delivery of such certificate and the written assignment or power of attorney of such person, though contained in a separate document.

Title derived from separate document extinguished by title derived from certificate.

SEC. 5. Who May Deliver a Certificate. The delivery of a certificate to transfer title in accordance with the provisions of Section one, is effectual, except as provided in Section seven, though made by one having no right of possession and having no authority from the owner of the certificate or from the person purporting to transfer the title.

Effect of delivery by one without authority or right of possession.

SEC. 6. Indorsement Effectual in Spite of Fraud, Duress, Mistake, Revocation, Death, Incapacity or Lack of Consideration or Authority. The indorsement of a certificate by the person appearing by the certificate to be the owner of the shares represented thereby is effectual, except as provided in Section seven, though the indorser or transferor;

Indorsement effectual in spite of fraud, duress, etc.

(a) was induced by fraud, duress or mistake, to make the indorsement or delivery, or

(b) has revoked the delivery of the certificate, or the authority given by the indorsement or delivery of the certificate, or

(c) has died or become legally incapacitated after the indorsement, whether before or after the delivery of the certificate, or

(d) has received no consideration.

SEC. 7. Rescission of Transfer. If the indorsement or delivery of a certificate

Rescission of transfer: grounds.

(a) was procured by fraud or duress, or

Fraud or duress.

(b) was made under such mistake as to make the indorsement or delivery inequitable; or

Mistake.

If the delivery of a certificate was made

Unauthorized  
delivery.

(c) without authority from the owner, or

Delivery after  
death of owner.

(d) after the owner's death or legal incapacity, the possession of the certificate may be reclaimed and the transfer thereof rescinded, unless,

Conditions.

(1) The certificate has been transferred to a purchaser for value in good faith without notice of any facts making the transfer wrongful, or

(2) The injured person has elected to waive the injury, or has been guilty of laches in endeavoring to enforce his rights.

Enforcement of  
right to reclaim  
or rescind.

Any court of appropriate jurisdiction may enforce specifically such right to reclaim the possession of the certificate or to rescind the transfer thereof and, pending litigation, may enjoin the further transfer of the certificate or impound it.

Effect of  
rescission  
on subsequent  
transfer by  
transferee in  
possession.

SEC. 8. Rescission of Transfer of Certificate Does Not Invalidate Subsequent Transfer by Transferee in Possession. Although the transfer of a certificate or of shares represented thereby has been rescinded or set aside, nevertheless, if the transferee has possession of the certificate or of a new certificate representing part or the whole of the same shares of stock, a subsequent transfer of such certificate by the transferee, mediately or immediately, to a purchaser for value in good faith, without notice of any facts making the transfer wrongful, shall give such purchaser an indefeasible right to the certificate and the shares represented thereby.

Right of  
transferee  
to obtain  
indorsement of  
unindorsed  
certificate.

SEC. 9. Delivery of Unindorsed Certificate Imposes Obligation to Indorse. The delivery of a certificate by the person appearing by the certificate to be the owner thereof without the indorsement requisite for the transfer of the certificate and the shares represented thereby, but with intent to transfer such certificate or shares, shall impose an obligation, in the absence of an agreement to the contrary, upon the person so delivering, to complete the transfer by making the necessary indorsement. The transfer shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced.

Effect of  
attempted  
transfer without  
delivery of  
certificate.

SEC. 10. Ineffectual Attempt to Transfer Amounts to a Promise to Transfer. An attempted transfer of title to a certificate or to shares represented thereby without delivery of the certificate shall have the effect of a promise to transfer and the obligation, if any, imposed by such promise shall be determined by the law governing the formation and performance of contracts.



SEC. 11. Warranties on Sale of Certificate. A person who for value transfers a certificate, including one who assigns for value a claim secured by a certificate, unless a contrary intention appear, warrants;

Warranties.

(a) that the certificate is genuine,

(b) that he has a legal right to transfer it, and

(c) that he has no knowledge of any fact which would impair the validity of the certificate.

In the case of an assignment of a claim secured by a certificate, the liability of the assignor upon such warranty shall not exceed the amount of the claim.

SEC. 12. No Warranty Implied from Accepting Payment of a Debt. A mortgagee, pledgee, or other holder for security of a certificate who in good faith demands or receives payment of the debt for which such certificate is security, whether from a party to a draft drawn for such debt, or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such certificate, or the value of the shares represented thereby.

No warranty implied from receiving payment of debt secured by certificate.

SEC. 13. No Attachment or Levy Upon Shares Unless Certificate Surrendered or Transfer Enjoined. No attachment or levy upon shares of stock for which a certificate is outstanding shall be valid until such certificate be actually seized by the officer making the attachment or levy, or be surrendered to the corporation which issued it, or its transfer by the holder be enjoined. Except where a certificate is lost or destroyed, such corporation shall not be compelled to issue a new certificate for the stock until the old certificate is surrendered to it.

Attachment or levy upon shares of stock.

SEC. 14. Creditor's Remedies to Reach Certificate. A creditor whose debtor is the owner of a certificate shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such certificate or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process.

Creditor's remedies to reach certificate.

SEC. 15. There shall be no Lien or Restriction Unless Indicated on Certificate. There shall be no lien in favor of a corporation upon the shares represented by a certificate issued by such corporation and there shall be no restriction upon the transfer of shares so represented by virtue of any by-laws of such corporation, or otherwise, unless the right of the corporation to such lien or the restriction is stated upon the certificate.

No lien or restriction in favor of issuing corporation unless shown on certificate.

SEC. 16. Alteration of Certificate Does Not Divest Title to Shares. The alteration of a certificate, whether fraudulent or

Effect of alteration of certificate.

not and by whomsoever made, shall not deprive the owner of his title to the certificate and the shares originally represented thereby, and the transfer of such a certificate shall convey to the transferee a good title to such certificate and to the shares originally represented thereby.

Court action for issuance of new certificate for lost or destroyed certificate.

SEC. 17. Lost or Destroyed Certificate. Where a certificate has been lost or destroyed, a court of competent jurisdiction may order the issue of a new certificate therefor on service of process upon the corporation and on reasonable notice by publication, and in any other way which the court may direct, to all persons interested, and upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient surety to be approved by the court to protect the corporation or any person injured by the issue of the new certificate from any liability or expense, which it or they may incur by reason of the original certificate remaining outstanding. The court may also in its discretion order the payment of the corporation's reasonable costs and counsel fees.

Effect of court order upon corporation's liability to purchaser for value, etc., of original certificate.

The issue of a new certificate under an order of the court as provided in this section, shall not relieve the corporation from liability in damages to a person to whom the original certificate has been or shall be transferred for value without notice of the proceedings or of the issuance of the new certificate: Provided, nothing in this section shall prevent the issuance of a new stock certificate in the place of a lost or destroyed certificate in accordance with the provisions of Section one thousand one hundred and sixty-two of the Consolidated Statutes of one thousand nine hundred and nineteen.

Rule for cases not provided for by Act.

SEC. 18. Rules for Cases not Provided for by this Act. In any case not provided for by this Act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent, executors, administrators and trustees, and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.

Construction of Act.

SEC. 19. Interpretation Shall Give Effect to Purpose of Uniformity. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Definition of indorsement.

SEC. 20. Definition of Indorsement. A certificate is indorsed when an assignment or a power of attorney to sell, assign, or transfer the certificate or the shares represented thereby is written on the certificate and signed by the person appearing by the certificate to be the owner of the shares represented thereby, or when the signature of such person is written without more upon the back of the certificate. In any of such cases a certificate is indorsed though it has not been delivered.

SEC. 21. Definition of Person Appearing to be the Owner of Certificate. The person to whom a certificate was originally issued is the person appearing by the certificate to be the owner thereof, and of the shares represented thereby, until and unless he indorses the certificate to another specified person, and thereupon such other specified person is the person appearing by the certificate to be the owner thereof until and unless he also indorses the certificate to another specified person. Subsequent special indorsements may be made with like effect.

Definition of person appearing to be owner of certificate.

SEC. 22. Other Definitions. (1) In this Act, unless the context or subject matter otherwise requires—

Other definitions:

“Certificate” means a certificate of stock in a corporation organized under the laws of this State or of another state whose laws are consistent with this Act.

“Certificate.”

“Delivery” means voluntary transfer of possession from one person to another.

“Delivery.”

“Person” includes a corporation or partnership or two or more persons having a joint or common interest.

“Person.”

To “purchase” includes to take as mortgagee or as pledgee.

“Purchase.”

“Purchaser” includes mortgagee and pledgee.

“Purchaser.”

“Shares” means a share or shares of stock in a corporation organized under the laws of this State or of another State whose laws are consistent with this Act.

“Shares.”

“State” includes state, territory, district and insular possession of the United States.

“State.”

“Transfer” means transfer of legal title.

“Transfer.”

“Title” means legal title and does not include a merely equitable or beneficial ownership or interest.

“Title.”

“Value” is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a certificate is taken either in satisfaction thereof or as security therefor.

“Value.”

(2) A thing is done “in good faith” within the meaning of this Act, when it is in fact done honestly, whether it be done negligently or not.

“In good faith.”

SEC. 23. Act does not Apply to Existing Certificates. The provisions of this Act apply only to certificates issued after the taking effect of this Act.

Application of Act.

SEC. 24. Sections one thousand one hundred and sixty-three and one thousand one hundred and sixty-four of the Consolidated Statutes of one thousand nine hundred and nineteen, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

C. S. 1163 and 1164, and other conflicting laws, repealed.

C. S. 817,  
amended, as to  
attachment and  
levy upon shares  
of stock.

SEC. 24½. That Section eight hundred and seventeen of Volume three of the Consolidated Statutes be amended by striking out the period at the end thereof and inserting a colon in lieu thereof and by adding the following: Provided, however, no attachment or levy upon shares of stock for which a certificate is outstanding shall be valid until such certificate be actually seized by the officer making the attachment or levy, or be surrendered to the corporation which issued it, or its transfer by the holder be enjoined.

Effective date.

SEC. 25. Time when the Act takes Effect. This Act shall be in full force and effect from and after its ratification.

Short title.

SEC. 26. Name of Act. This Act may be cited as the Uniform Stock Transfer Act.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 498

## CHAPTER 354

### AN ACT FOR THE RELIEF OF POTATO FARMERS IN THIS STATE.

*The General Assembly of North Carolina do enact:*

Guaranty of  
minimum price  
for product, to  
growers of  
Irish Potatoes  
under share  
planting system.

SECTION 1. That from and after the ratification of this Act, every person, firm, or association or corporation engaged in the practice of supplying growers of Irish potatoes in this State with seed potatoes and fertilizer and other supplies for the purpose of growing a crop of Irish potatoes under the system commonly known as the share planting system and who enter into a contract with such grower and/or growers on or before planting them to furnish such grower with seed potatoes, fertilizer or other necessary supplies, or to perform services in connection with the gathering of such crop and marketing the same, shall at the time of entering into such contract, agree in writing, with such grower that he or it will guarantee that the grower shall receive at the time such potatoes are marketed an amount of not less than ten dollars (\$10.00) for each bag of seed potatoes planted by the grower or growers from such person, firm, association or corporation who, under the agreement, furnished such seed potatoes and other supplies to the grower or growers thereof.

Written  
agreement.

SEC. 2. That the minimum amount to be paid the grower by those furnishing said supplies under the terms of this Act shall in no wise affect any additional net profit due the grower, should any such additional profits be shown.

Additional net  
profits due  
grower not  
affected by  
minimum  
requirements.

SEC. 3. The payment of the stipulated ten dollars (\$10.00) per bag of said seed potatoes furnished said grower or growers by any firm, person, association or corporation shall be com-

Minimum  
payments, only  
compensation for  
labor and use  
of equipment,  
land, etc.



pensation only for labor and work done and for the use of any animal or machine and equipment used or furnished by said grower or growers, and also use of land in growing said potato crop, and this amount shall be paid to said grower from returns from said crops so produced; and the said ten dollars (\$10.00) shall not be computed as any part of any other expenses furnished by said person, firm, association or corporation furnishing other materials or supplies for the purpose of said share planting.

Not to be computed as part of expenses furnished by persons furnishing materials, etc.

SEC. 4. That the said sum of ten dollars (\$10.00) per bag of seed potatoes shall be paid to said grower or growers by said firm, person, association or corporation as herein provided, for share planting of potatoes, not later than thirty (30) days after the delivery of last potatoes grown under the share planting contract existing between said grower or growers and the said person, firm, association or corporation: Provided that nothing in this Act shall apply to contracts entered into between land owners and their respective tenants.

Time of payments.

Act not applicable to landlord-tenant contracts.

SEC. 5. That this Act shall not apply to Pender, Sampson, Bladen, Union, Rockingham, Randolph, Greene, Lenoir and Durham Counties.

Act not applicable to certain counties.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 672

## CHAPTER 355

AN ACT TO AUTHORIZE AND REQUIRE THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION TO CLASSIFY AND ESTABLISH A STANDARD OF SALARIES AND WAGES FOR ITS EMPLOYEES AND TO PUT THE SAME INTO EFFECT, AND PROVIDING FOR AN INCREASE IN THE SALARIES OF EMPLOYEES RECEIVING LESS THAN ONE HUNDRED AND TWENTY-FIVE DOLLARS PER MONTH.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State Highway and Public Works Commission shall cause to be made a survey and investigation of the personal service rendered the commission in its several departments, with the view to eliminating inequalities of persons of substantially equal qualifications rendering substantially similar service, and to establish a minimum basis of pay at least equal to the prevailing wage of private employment.

Survey by Highway Commission ordered, to eliminate salary inequalities and establish minimum basis of pay for employees.



Classification of employments; establishment of minimum and maximum salaries; etc.

SEC. 2. That after such survey and investigation has been made and on or before July first, one thousand nine hundred and forty-one, the commission shall fix, determine, and classify its various employments, establishing a minimum and maximum wage for each classification, and shall likewise fix and determine the salary or wage for each employee within the several classifications, giving due regard to length of service and special qualifications.

Report to Governor and Advisory Budget Commission.

SEC. 3. That the report, when completed, shall be transmitted to the Governor and Advisory Budget Commission for their approval, subject to such modifications as they may elect to make therein, and when the schedule thus established has been approved by the Governor and Advisory Budget Commission, a copy thereof shall be filed with the Assistant Director of the Budget and shall supersede all existing salary and wage classifications for the State Highway and Public Works Commission.

Existing salary classifications superseded, upon approval of new schedule.

Subsequent employments and changes, subject to new classifications and salary scales.

SEC. 4. That all subsequent employments by the State Highway and Public Works Commission and all changes in existing employment shall be in accordance with the classifications established in said report as approved by the Governor and Advisory Budget Commission, and the Assistant Director of the Budget shall certify the salary or wages of the particular employee within the range of the minimum and maximum established in the said report for such employment. The hourly maintenance and construction employees now or hereafter exempted from the Personnel Act, shall not be placed under the Personnel Act, even if they are placed on a monthly basis of salary payment to facilitate operation under the State Employees and Teachers Retirement Act, but they shall be paid according to the salary schedule established under Section three of this Act.

Salary increases for certain employees.

SEC. 5. That said salary schedule shall provide for an increase in the compensation of all regular employees of the commission, whether now paid on an hourly basis or a monthly basis, in the Prison Department, in the Maintenance Department, and in the Construction Department, where the present compensation of such employees is less than one hundred and twenty-five dollars (\$125.00) per month, so that the total cost to the department of the salaries and wages of such employees shall represent an increase of ten per cent, but adjustments may be made within each classification to equalize the pay for employees with the same classification after giving due regard to the length of service and efficiency. This section shall not require the increase of any salary beyond one hundred and thirty dollars (\$130.00) per month.

Adjustments.

Increases not required beyond maximum.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act, to the extent of such conflict, are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 682

## CHAPTER 356

AN ACT TO CORRECT AN ERROR IN CONVEYING THE ARMORY LOT IN MORGANTON, NORTH CAROLINA TO THE STATE OF NORTH CAROLINA, AND AUTHORIZING THE RECONVEYANCE OF SAID LOT TO THE TOWN OF MORGANTON AND THE COUNTY OF BURKE.

WHEREAS, on the seventh day of October, one thousand nine hundred and thirty-six, the Town of Morganton, North Carolina, and the County of Burke in said State, purchased a lot located in the said Town of Morganton, for the purpose of erecting thereon an armory, for which the said Town of Morganton and the County of Burke paid the sum of two thousand dollars (\$2,000.00), the purchase price of such lot; and

Preamble:  
Purchase of lot  
for armory by  
Town of Mor-  
ganton and  
Burke County.

WHEREAS, the said Town of Morganton and the County of Burke became the joint sponsors for the erection upon said lot of an armory building, the cost of which was assumed by the said Town of Morganton, and the County of Burke in conjunction with the Works Progress Administration, and in the completion of said building expended more than sixteen thousand dollars (\$16,000.00); and

Town and County  
joint sponsors of  
project with  
W.P.A.

WHEREAS, the legal title to the said property should be in otherwise conveyed to the State of North Carolina, instead of to the Town of Morganton and the County of Burke, who jointly furnished the purchase price for said lot and became the joint sponsors under a Works Progress Administration project, at an additional expense of more than sixteen thousand dollars (\$16,000.00); and

Title to lot  
conveyed to  
State, by  
mistake.

WHEREAS, the legal title to the said property should be in the Town of Morganton and the County of Burke jointly: Now, therefore,

Proper for title  
to be in said  
Town and  
County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the proper officials of the State of North Carolina be, and they are hereby, authorized to execute and convey to the Town of Morganton, by proper deed of conveyance, the armory lot located in the Town of Morganton, North Carolina, fully mentioned and described by deed dated the seventh day of October, A.D., one thousand nine hundred and thirty-six, by Leith Gordon and wife, to the State of North Carolina, which deed is duly recorded in Book Number nineteen, page three

Proper State  
officials author-  
ized to convey  
armory lot to  
Morganton and  
Burke County.

Reference to  
deed for  
description.

hundred and ninety-five, in the office of the Register of Deeds of Burke County; and to such deed as so recorded, reference is hereby made for specific description of said lot.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 695

## CHAPTER 357

AN ACT TO AMEND CHAPTER THREE HUNDRED AND NINETY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE PROVIDING A RETIREMENT SYSTEM FOR EMPLOYEES OF COUNTIES, CITIES AND TOWNS ON AN OPTIONAL BASIS AND AT THEIR OWN EXPENSE.

*The General Assembly of North Carolina do enact:*

Ch. 390, Public Laws, 1939, amended.

SECTION A. That Chapter three hundred and ninety of the Public Laws of one thousand nine hundred and thirty-nine, be and same is hereby amended and supplemented as hereinafter provided in this Act, that is to say:

Sec. 1, amended, as to meaning of "Retirement System."

SECTION 1. (a) That Subsection one of Section one of said Act be and the same is hereby amended by adding after the words "North Carolina" and before the word "Governmental" the word "Local".

Sec. 1, amended, as to definition of "prior service."

(b) That Subsection six of Section one of said Act be and the same is hereby amended by striking out the words "thirty-nine" and substituting in lieu thereof the words "forty-one".

Sec. 2, amended, as to operative date of Act.

SEC. 2. (a) That Section two of said Act be and the same is hereby amended by striking out the words "thirty-nine" before the word "Provided" in the second sentence thereof and substituting in lieu thereof the words "forty-one".

Sec. 2, amended further, as to name of System.

(b) That Section two of said Act be further amended by adding in the second paragraph thereof after the words "North Carolina" and before the word "Governmental" the word "Local".

Sec. 4, rewritten.

SEC. 3. That Section four of said Act be and the same is hereby amended by striking out all of said section and substituting in lieu thereof the following:

Membership of Retirement System.

"SEC. 4. Membership. The membership of this Retirement System shall be composed as follows:

“(1) All employees entering or reentering the service of a participating county, city, or town after the date of participation in the Retirement System of such county, city, or town.

Employees of participating local governmental units.

“(2) All persons who are employees of a participating county, city, or town except those who shall notify the Board of Trustees in writing, on or before ninety days following the date of participation in the retirement system by such county, city, or town: Provided, that persons who are or who shall become members of any existing retirement system and who are or who may be thereby entitled to benefit by existing laws providing for retirement allowances for employees wholly or partly at the expense of funds drawn from the treasury of the State of North Carolina or of any political subdivision thereof, shall not be members: Provided, further, that employees of welfare of health departments whose compensation is derived from both state and local funds may be members of a North Carolina Local Government Employees' Retirement System to the extent of that part of their compensation derived from a county, city or town.”

Employees of participating unit, except those notifying Board of Trustees.

Certain employees ineligible.

Employees of welfare, etc., departments, deriving pay from State and local funds: limited participation.

SEC. 4. That Subsection one of Section five of said Act be and the same is hereby repealed.

Sec. 5, sub-sec. 1, repealed.

SEC. 5. That Subsection one of Section six of the said Act be and the same is hereby amended by striking out the words “thirty-nine” in lines four and eight thereof and substituting in lieu thereof the words “forty-one.”

Sec. 6, sub-sec. 1, amended, as to allowance for service.

That Subsection three of Section six of the said Act be and the same is hereby amended by striking out the words “thirty-nine” in the second paragraph thereof and substituting in lieu thereof the words “forty-one.”

Sec. 6, sub-sec. 3, amended, as to verification of service statement.

That Subsection four of Section six be and the same is hereby amended by striking out the words “thirty-nine” in the first sentence thereof and substituting in lieu thereof the words “forty-one.”

Sec. 6, sub-sec. 4, amended, as to prior service certificates.

SEC. 6. That Section eight of the said Act be and the same is hereby stricken out and repealed and the following substituted in lieu thereof:

Sec. 8, rewritten.

“SEC. 8. Administration. The general administration and responsibility for the proper operation of the retirement system and for making effective the provisions of this Act are hereby vested in the Board of Trustees of the Teachers' and State Employees' Retirement System of North Carolina, and all of the provisions of Section six of House Bill fifty-two, ratified on the seventeenth day of February, one thousand nine hundred and forty-one, relating to the administration by said Board of Trustees shall apply to the administration of this Act by said Board of Trustees: Provided, that all expenses in connection with the administration of this North Carolina Local Government

Administration of system vested in Board of Trustees of Teachers' and State Employees' Retirement System.

Application of H. B. 52 (Ch. 25, Public Laws, 1941).

Expenses.



Employees' Retirement System shall be charged against this retirement system and paid from the expense fund as provided in Subsection five of Section ten of this Act."

Sec. 9, amended,  
as to custodian  
of funds.

SEC. 7. That Subsection three of Section nine of the said Act be and the same is hereby amended by striking out in the first sentence thereof the words "The secretary-treasurer of the board of trustees" and substituting in lieu thereof the words "The State Treasurer", and amend further by striking out in the third sentence of said Subsection three of Section nine the words "secretary-treasurer" and substituting in lieu thereof the word "Secretary".

Sec. 10, amended,  
as to Annuity  
Savings Fund.

Determination of  
amount earnable  
by members  
compensated  
from fees.

Payments  
considered as  
deductions.

SEC. 8. That paragraph (a) of Subsection one of Section ten of said Act be and the same is hereby amended by adding at the end of said paragraph the following sentence: "In determining the amount earnable by a member whose compensation is derived partly or wholly from fees, such member shall submit a sworn statement to his employer as to the amount of fees received by such member as compensation during the preceding year, and each month such member shall pay to his employer four per centum of one-twelfth of such compensation received from fees during the previous year, which shall be considered as deductions by the employer as provided in paragraphs (a) and (b) of Subsection one of this section."

Sec. 10, amended  
further, as to  
Pension Accumu-  
lation Fund.

That paragraph (d) of Subsection three of Section ten be and the same is hereby amended by striking out in line two thereof the words "the last sentence of Section four" and substituting in lieu thereof the words "Subsection four of Section three", and by adding before the word "Governmental" in lines five and ten thereof the word "Local" and by striking out the words "forty-one" in line eleven and substituting in lieu thereof the words "forty-two".

Secs. 17 and 18,  
repealed.

Conflicting laws  
repealed.

Construction of  
Act.

SEC. 9. That Sections seventeen and eighteen of said Act are hereby repealed and stricken out, and all other laws and clauses of laws in conflict with the provisions of this Act are to the extent of such conflict hereby repealed: Provided, that nothing in this Act shall have the effect of repealing any Public-Local or Private Acts creating or authorizing the creation of any officers' or employees' retirement system in any county, city or town.

Levy of taxes.

SEC. 9A. That no county, city, town, or other municipality, shall levy any tax, pledge its faith, or incur any indebtedness for the purposes herein mentioned until the same shall have been submitted to, and approved by, the qualified voters thereof at an election to be called by the governing body of said county, city, town, or other municipality: Provided, that the provisions of this section shall not apply to the City of Greensboro and City of Gibsonville: Provided that Section nine A shall not apply to Mount Airy in Surry County: Provided, that this section shall

Referendum on  
question.

Section inappli-  
cable to certain  
local units.



not apply to Rowan County or the municipalities therein: Provided, that this section shall not apply to Pitt County, nor to any municipality therein: Provided further, that this section shall not apply to the Town of Aberdeen, in Moore County: Provided further that this section shall not apply to Wake County and the municipalities located therein: Provided that this section shall not apply to Mecklenburg, Bladen, Durham and Alexander Counties and/or the municipalities therein: Provided, that this section shall not apply to Pasquotank County or the municipalities therein, and such county and municipalities shall be entitled to participate in the retirement system in the manner provided by Section three of Chapter three hundred and ninety of the Public Laws of one thousand nine hundred and thirty-nine: Provided, further that this section shall not apply to Lee County and the Towns of Sanford and Jonesboro located therein, or Randolph County and the Town of Asheboro located therein; provided further that this section shall not apply to Davidson and Alexander Counties and the municipalities located therein.

SEC. 9B. That any county, city or town participating in the Retirement System may by action of its governing body later withdraw from the system, and all contributions of employees and employers shall be returned to them or their representatives.

Withdrawal from System by participating units.

SEC. 10. If any section or part of any section of this Act is declared to be unconstitutional by a court of competent jurisdiction, the remainder of this Act shall not thereby be invalidated.

Partial invalidity section.

SEC. B. Notwithstanding anything else to the contrary in this Act or in Chapter three hundred and ninety of the Public Laws of one thousand nine hundred and thirty-nine, the provisions of this Act shall apply only to counties having a population of more than fifteen thousand inhabitants by the last preceding United States census and to municipalities.

Application of Act.

SEC. C. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 735

## CHAPTER 358

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, AS FOLLOWS: SECTION NINETEEN, RELATING TO CONTRACTORS AND SUB-CONTRACTORS UNDER THE PROVISION OF THE NORTH CAROLINA WORKMEN'S COMPENSATION ACT.

*The General Assembly of North Carolina do enact:*

Sec. 19, Ch. 120, Public Laws, 1929, amended, as to liability of principal contractor subletting contract without getting compliance certificate (Workmen's Compensation Act).

SECTION 1. That Section nineteen of Chapter one hundred and twenty, Public Laws of one thousand nine hundred and twenty-nine, be and the same hereby is amended by adding after the word "liable" in line six of said section, and before the word "to" in line seven, the following: ", irrespective of whether such sub-contractor has regularly in service less than five employees in the same business within this State," and by inserting after the word "sub-contractor" and before the word "for" in line seven of said section the following: "would be if he had accepted the provisions of this Act."

Sec. 52, amended, as to salary of Secretary of Industrial Commission.

SEC. 2. That Subsection (b) of Section fifty-two of Chapter one hundred and twenty, Public Laws of one thousand nine hundred and twenty-nine, be, and the same is hereby, amended by striking out in line three of said subsection after the word "be" and before the word "and" the words and figures "not more than thirty-six hundred (\$3600.00) dollars a year," and substituting in lieu thereof the following: "fixed by the Governor and Council of State."

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 793

## CHAPTER 359

AN ACT TO AUTHORIZE THE REGULATION OF UNFAIR PRACTICES BY HANDLERS OF FARM PRODUCTS.

*The General Assembly of North Carolina do enact:*

Protection of producers of farm products against certain unfair trade practices.

SECTION 1. The Board of Agriculture is hereby authorized to make rules and regulations necessary to protect producers of farm products from loss through financial irresponsibility and unfair, harmful and unethical trade practices of persons, firms

and corporations (hereinafter referred to as "handlers") and their agents, who incur financial liability for farm products.

SEC. 2. No person shall act as a handler of farm products on any basis except a cash basis, until he obtains a permit from the Commissioner of Agriculture. The Commissioner of Agriculture may require from each applicant such verified information as he sees fit in order to determine the applicant's financial responsibility and reputation, and the board may make rules and regulations as to issuing permits.

Permits required of handlers of farm products not operating on cash basis.

Regulations as to issuance of permits.

SEC. 3. No such permit shall be issued to any handler who is not operating on a strictly cash basis and who is incurring or may incur financial liability to any grower, until such person, firm, or corporation shall furnish to the Commissioner of Agriculture sufficient and satisfactory evidence of their ability to carry out their contract or furnish a satisfactory bond in an amount not to exceed ten thousand (\$10,000.) dollars. The Commissioner of Agriculture may require a new bond or additional bonds up to the ten thousand dollar (\$10,000.00) limit when he finds it necessary for the protection of the producer. Such bonds shall be to the State in favor of every contract producer or consignor of farm products, and shall be continued upon compliance with all the provisions of this Act, and the faithful fulfilment of all contracts, and for the faithful accounting for and handling of produce by such handler, and for payment to the producer of the net proceeds of all consignments and sales. Any producer claiming to be injured by the fraud, deceit or wilful negligence of any commission merchant or contractor, or by his failure to comply with this Act or with the terms of a written contract between such parties, may bring action on the bond against both principal and surety in any court of competent jurisdiction and may recover the damages found by the court to be caused by such acts complained of.

Establishment of financial responsibility before permit issued.

Bond.

Form and condition of bond.

Actions on bonds by injured producers for damages.

SEC. 4. No handler shall enter into any written contract with a producer in North Carolina, for the production, delivery, or sale of farm products, until he files with the Commissioner of Agriculture a true copy of the contract and it is examined and approved by the Commissioner. The Commissioner may withhold his approval in his discretion if he is of the opinion that the contract is illegal or unfair to the producer, or that the contractor is insolvent or financially irresponsible, or if for any other cause it reasonably appears to him that the contract in question might defeat the purpose of this Act.

Contracts between handlers and producers prohibited, unless approved by Commissioner of Agriculture.

Powers of Commissioner.

SEC. 5. In order to enforce this Act, the Commissioner of Agriculture, upon his own motion or upon the verified complaint of any producer, shall have the following additional powers:

Additional powers of Commissioner to enforce Act.

Investigation of transactions for sale of farm products to handlers.

(a) To inspect or investigate transactions for the sale or delivery of farm products to persons acting as handlers; to require verified reports and accounts of all authorized handlers; to examine books, accounts, memoranda, equipment, warehouses, storage, transportation and other facilities, farm products and other articles connected with the business of the handlers; to inquire into failure or refusal of any handlers to accept produce under his contracts and to pay for it as agreed;

Hearings.

(b) To hold hearings after due notice to interested parties and opportunity to all to be heard; to administer oaths, take testimony and issue subpoenas; to require witnesses to bring with them relevant books, papers, and other evidence; to compel testimony; to make written findings of fact and on the basis of these findings to issue orders in controversies before him, and to revoke the permits of persons disobeying the terms of this Act or of rules, regulations, and orders made by the board or the Commissioner. Any party disobeying any order or subpoena of the Commissioner shall be guilty of contempt, and shall be certified to the Superior Court for punishment. Any party may appeal to the Superior Court from any final order of the Commissioner;

Findings of fact.

Revocation of permits.

Contempt proceedings.

Issuance of regulations.

General powers.

(c) To issue all such rules and regulations, with the approval of the board, and to appoint necessary agents and to do all other lawful things necessary to carry out the purposes of this Act.

Violation of Act or rules made misdemeanor.

SEC. 6. Any person who violates the provisions of this Act or the rules and regulations promulgated thereunder shall be guilty of a misdemeanor, and shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than one year, or both.

Partial invalidity section.

SEC. 7. If any provision of this Act is held invalid, such invalidity shall not affect other provisions which can be given effect, and to this end the provisions of this Act are declared severable.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 9. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 815

## CHAPTER 360

AN ACT TO AUTHORIZE THE GOVERNOR TO ALLOT FUNDS FROM VOCATIONAL EDUCATIONAL APPROPRIATIONS FOR THE PURPOSE OF ESTABLISHING A TEXTILE TRAINING SCHOOL IN THE PIEDMONT SECTION OF NORTH CAROLINA.

WHEREAS, the members of this General Assembly having realized the great necessity of vocational training in North Carolina; and

Preamble:  
Necessity for  
vocational  
training in  
North Carolina.

WHEREAS, opportunity now exists to train young men and women for life's vocation in the textile industry at a nominal expense; and

Opportunity in  
textile industry.

WHEREAS, the Piedmont Section of North Carolina is now the greatest textile center in the United States: Now, therefore,

Piedmont Section  
greatest textile  
center in U. S.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Governor of North Carolina is hereby authorized to appoint a commission composed of seven persons, five of whom shall be experienced textile operators, and two selected at large as to qualifications described by the Governor. The said committee shall investigate the various cities of the Piedmont Section of North Carolina for the selection of a site to establish what will later be known as "North Carolina Textile Institute", or some appropriate name to be selected by the commission.

Appointment of  
Commission to  
investigate  
suitable site  
for textile train-  
ing institute.

SEC. 2. The Governor of North Carolina shall be chairman of the above named commission, and the operation and administration of said institution shall be placed in the hands of the State Board for Vocational Education or such board as it may appoint or designate as its representative in the administration of said institution.

Governor named  
Chairman of  
Commission.

Operation of  
institution by  
State Board  
for Vocational  
Education.

SEC. 3. Persons eligible for attendance upon this institution shall be at least sixteen years of age and legal residents of the State of North Carolina. The institution shall teach the general principals and practices of the textile manufacturing and related subjects.

Persons eligible  
to attend  
institute.

Subjects taught.

SEC. 4. The Governor of North Carolina and the Council of State may allocate a sum not to exceed fifty thousand (\$50,000.00) dollars from the Contingency and Emergency Fund or any other funds available for the purpose of erecting buildings for said institute, and the commission shall be authorized to accept the contributions of land and money from interested persons, and shall be authorized to lease and accept loans from machinery manufacturers for the operation of the plant. Vocational education funds appropriated to the State Board for Vocational Education by the Federal Government and by the General Assembly

Allocation of  
funds for  
erection of  
buildings.

Acceptance of  
contributions  
authorized.

Use of Federal  
funds.



of North Carolina shall be used for instructional purposes in said institute, according to the rules and regulations governing the expenditure of State funds.

Conflicting laws repealed.

SEC. 5. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 826

## CHAPTER 361

### AN ACT TO AUTHORIZE THE GOVERNOR OF THE STATE OF NORTH CAROLINA TO PROVIDE FUNDS FOR THE OPERATION OF THE MARKETING DIVISION OF THE DEPARTMENT OF AGRICULTURE IN CASE OF AN EMERGENCY.

Preamble:  
Necessity for increasing marketing facilities of Department of Agriculture.

WHEREAS, it has been found necessary to increase the marketing facilities of the Department of Agriculture for the purpose of aiding farmers to classify, grade, and pack their products in a manner entirely different from that previously done in order to be able to sell to the United States Defense Projects in North Carolina.

Law enacted setting up State Marketing Authority.

WHEREAS, this General Assembly has enacted a law setting up the machinery for a State Marketing Authority under the Department of Agriculture to carry out this additional marketing service necessary and imperative to aid the farmers.

\$50,000, appropriated for Marketing Authority.

WHEREAS, there is included in the appropriation for this Marketing Authority under the Department of Agriculture, out of agriculture funds, the sum of fifty thousand dollars (\$50,000) per year for these increased marketing facilities.

Necessity of maintaining fund at \$150,000, at end of each fiscal year.

WHEREAS, it is necessary for the Department of Agriculture to maintain in its fund the sum of approximately one hundred and fifty thousand dollars (\$150,000) at the end of each fiscal year in order to operate until revenues are collected for the next fiscal year.

Possibility of curtailment of receipts, foreseen, jeopardizing marketing service.

WHEREAS, it may be found that the receipts of the Department of Agriculture may be reduced on account of certain curtailment in tobacco and cotton acreage to such a point that the Department of Agriculture would be unable to carry on this additional marketing in a manner satisfactory to give the necessary service to the farmers of this State.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Governor and Council of State of North Carolina are hereby authorized to allot funds out of the Contingency and Emergency Appropriation to the Department of Agriculture for this increased marketing facility, provided it shall be found that the receipts of the agriculture fund are reduced to such an extent that the Department of Agriculture may not be able to carry on this work and have sufficient funds to carry on the regular work of the department; provided, however, that the funds allotted from the Contingency and Emergency Fund hereunder shall not exceed the sum of fifty thousand dollars (\$50,000.00) per year.

Allocation of funds for increased marketing facilities, authorized.

Maximum annual allocation.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws, repealed.

SEC. 3. This Act shall be in full force and effect after July first, one thousand nine hundred and forty-one.

Effective date.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 861

## CHAPTER 362

### AN ACT TO ESTABLISH A CONCILIATION SERVICE IN THE DEPARTMENT OF LABOR AND FOR THE MEDIATION OF LABOR DISPUTES IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. Declaration of Policy. It is hereby declared as the public policy of this State that the best interests of the people of the State are served by the prevention or prompt settlement of labor disputes; that strikes and lockouts and other forms of industrial strife, regardless of where the merits of the controversy lie, are forces productive ultimately of economic waste; that the interests and rights of the consumers and the people of the State, while not direct parties thereto, should always be considered, respected and protected; and that the conciliation and voluntary meditation of such disputes under the guidance and supervision of a governmental agency will tend to promote permanent industrial peace and the health, welfare, comfort and safety of the people of the State. To carry out such policy, the necessity for the enactment of the provisions of this Article is hereby declared as a matter of legislative determination.

Declaration of State policy as to labor disputes.

Consideration of interests of consumers.

Conciliation and mediation desirable.

Legislation necessary.

SEC. 2. Scope of the Act. The provisions of this Act shall apply to all labor disputes in North Carolina.

Scope of Act.

Administration by  
Commissioner of  
Labor.

SEC. 3. Administration of the Act. The administration of this Act shall be under the general supervision of the Commissioner of Labor of North Carolina.

Establishment of  
Conciliation  
Service.

Personnel.

SEC. 4. Conciliation Service; Established; Personnel; Removal; Compensation. There is hereby established in the Department of Labor a Conciliation Service. The Commissioner of Labor may appoint such employees as may be required for the consummation of the work under this Act, prescribed their duties and fix their compensation, subject to existing laws applicable to the appointment and compensation of employees of the State of North Carolina. Any member of or employee in the Conciliation Service may be removed from office by the Commission of Labor, acting in his discretion.

Compensation.

Removal.

Powers and  
duties of  
Commissioner of  
Labor.

SEC. 5. Powers and Duties. (a) Upon his own motion in an existent or imminent labor dispute, the Commissioner of Labor may and, upon the direction of the Governor, must order a conciliator to take such steps as seem expedient to effect a voluntary, amicable and expeditious adjustment and settlement of the differences and issues between employer and employees which have precipitated or culminated in or threaten to precipitate or culminate in such labor dispute.

Duties of  
Conciliator.

The conciliator shall promptly put himself in communication with the parties to such controversy, and shall use his best efforts, by meditation, to bring them to agreement.

Conflicting laws  
repealed.

SEC. 6. Repealing Clause. All laws or clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 913

## CHAPTER 363

### AN ACT TO PROHIBIT AND PUNISH THE MAKING OF FALSE REPORTS TO POLICE RADIO BROADCASTING STATIONS.

*The General Assembly of North Carolina do enact:*

False, misleading  
or unfounded,  
reports to  
police radio  
broadcasting  
stations,  
prohibited.

SECTION 1. That any person who shall willfully make or cause to be made to a police radio broadcasting station any false, misleading or unfounded report, for the purpose of interfering with the operation thereof, or to hinder or obstruct any peace officer in the performance of his duty, shall be guilty of a misdemeanor, punishable by imprisonment in the county jail not more than one year or by a fine of not more than five hundred

dollars (\$500.00), or by both such fine and imprisonment, in the discretion of the court. Punishment for violations.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 933

## CHAPTER 364

AN ACT TO AMEND SECTION NINE HUNDRED AND SEVENTY-SIX OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, SO AS TO RESTRICT THE AUTHORITY OF CONSTABLES TO THE LIMITS OF THE TOWNSHIPS FROM WHICH THEY ARE ELECTED.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section nine hundred and seventy-six of the Consolidated Statutes of one thousand nine hundred and nineteen be amended to read as follows: C. S. 976, amended, as to powers and duties of constables, Rutherford and Henderson Counties.

“976. Powers and duties.—Constables are hereby vested with authority to execute all precepts and processes, of whatever nature, directed to them by any justice of the peace or other competent authority; but the precepts or processes so directed may be executed by a constable only in the township, city or town, from which he is elected, or appointed, or upon a bay, river or creek adjoining thereto; and the precepts and processes shall be returned to the magistrate, or other proper authority.”

SEC. 2. That this Act shall only apply to Rutherford and Henderson Counties. Application of Act.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 966

## CHAPTER 365

AN ACT TO AMEND CHAPTER NINETY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE BEING ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE LAW RELATING TO OUT OF STATE MOTOR VEHICLES.

*The General Assembly of North Carolina do enact:*

Ch. 99, Public Laws, 1941, amended, as to application of Motor Vehicle Act.

SECTION 1. That Section one of Chapter ninety-nine of the Public Laws of one thousand nine hundred and forty-one be and the same is hereby amended by striking out the following language at the end of Section one “; provided, however, that this Act shall apply only to trucks and not in any event to passenger vehicles and station wagons.”

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 962

## CHAPTER 366

AN ACT TO PLACE THE NAME OF MRS. JOANNA WARD KIRBY ON THE PENSION ROLL OF CONFEDERATE VETERANS' WIDOWS OF THE STATE OF NORTH CAROLINA.

Preamble:  
Mrs. Joanna Ward Kirby, widow of Confederate Veteran.

WHEREAS, Mrs. Joanna Ward Kirby married Henry Kirby, a Confederate Veteran, Private, Company C-43 North Carolina Regiment, on February twenty-first, one thousand and nine hundred; and

Mrs. Kirby, barred under present pension laws from receiving pension.

WHEREAS, under the present pension laws Mrs. Joanna Ward Kirby is barred from qualifying for a widow's pension due to the fact that she was married just fourteen months later than the general pension laws provide, namely, prior to the year one thousand eight hundred and ninety-nine; and

Mrs. Kirby, old and in great need.

WHEREAS, Mrs. Joanna Ward Kirby is very old and in great need: Now, therefore,

*The General Assembly of North Carolina do enact:*

Mrs. Joanna Ward Kirby, of Wilson County, placed on Confederate Veterans' Widows pension roll.

SECTION 1. That Mrs. Joanna Ward Kirby of Wilson County be and she is hereby placed on the Confederate Veterans' Widows pension roll of the State of North Carolina to receive the pension now allowed; provided, no benefits shall be paid hereunder unless and until the said Mrs. Joanna Ward Kirby



qualifies in all other respects to the general pension laws except insofar as the date of her marriage. Qualification for benefits.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 786

## CHAPTER 367

AN ACT TO AMEND SECTION ONE THOUSAND FOUR HUNDRED AND FORTY-THREE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN TO CHANGE THE TERMS OF THE SUPERIOR COURT IN CERTAIN COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one thousand four hundred and forty-three of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be further amended as follows: C. S. 1443, amended, as to Terms of Superior Courts in certain counties.

(a) By striking out the paragraphs relating to terms of the Superior Court in Hyde County and inserting in lieu thereof the following:

"Hyde—Eleventh Monday after the first Monday in March; sixth Monday after the first Monday in September. Hyde County.

"In addition to the terms of court now provided by law to be held in Hyde County, the following term of court shall be opened and held in each year, except as hereinafter provided, in the manner and at the time herein set forth, to-wit: To convene on the third Monday in August of each year and to continue for one week for the trial of civil cases only. If the judge regularly assigned to the district in which said court is situate be unable to hold any term of court provided in the first sentence of this paragraph, for any cause set out in Article four, Section eleven of the Constitution, the Governor may appoint a judge to hold such term from among the regular, special or emergency judges. If, in the opinion of the Board of Commissioners of Hyde County, it is not advisable or necessary to hold said additional term of court, and such fact is so stated in a resolution duly adopted by a majority of said Board on or before the second Monday in July next preceding the day for the convening of said term, then said term shall not be held on the third Monday in August of that year as provided in this paragraph. Upon the adoption of such a resolution, the clerk of said Board shall imme-

diately notify the judge, who has been assigned to hold the additional term, that the same will not be held, and no jury for the said term shall be drawn; but if no such resolution shall be adopted on or before the second Monday in July as provided above, then it shall be the duty of the Board of Commissioners to cause the jury to be drawn in the manner now prescribed by law for the drawing of a jury for the trial of civil cases in regular terms of the Superior Court."

(b) By striking out the paragraph relating to terms of the Superior Court in Bertie County and inserting in lieu thereof the following:

Bertie County.

"Bertie — Third Monday before the first Monday in March, to continue for one week for the trial of both criminal and civil cases; ninth Monday after the first Monday in March, to continue for two weeks, for trial of both criminal and civil cases; first Monday before the first Monday in September, to continue for two weeks, for the trial of both criminal and civil cases; tenth Monday after the first Monday in September, to continue for two weeks, for the trial of both criminal and civil cases."

(c) By striking out the paragraphs relating to terms of the Superior Court in Wake County and inserting in lieu thereof the following:

Wake County;  
Criminal Courts.

"Wake — Criminal Courts: Eighth Monday before the first Monday in March; first Monday in March to continue for two weeks; fifth Monday after the first Monday in March; ninth Monday after the first Monday in March; thirteenth Monday after the first Monday in March to continue for two weeks; eighth Monday before the first Monday in September; first Monday in September to continue for two weeks; fifth Monday after the first Monday in September; ninth Monday after the first Monday in September; thirteenth Monday after the first Monday in September to continue for two weeks. These terms shall be for criminal cases only, and there is scheduled a two weeks term of criminal court each for March, June, September, and December, no court for the month of August, criminal or civil, and one week of criminal court for each of the other months.

Civil Courts.

"Civil Courts: Seventh Monday before the first Monday in March to continue for three weeks; third Monday before the first Monday in March to continue for three weeks; second Monday after the first Monday in March to continue for two weeks; sixth Monday after the first Monday in March to continue for three weeks; tenth Monday after the first Monday in March to continue for three weeks; fifteenth Monday after the first Monday in March to continue for two weeks; second Monday after the first Monday in September to continue for two weeks; sixth Monday after the first Monday in September to continue for three weeks; tenth Monday after the first Monday in

September to continue for three weeks; fifteenth Monday after the first Monday in September to continue for one week. These terms shall be for civil cases only and there shall be no term for civil cases in July or in August."

(d) By striking out the paragraph relating to terms of the Superior Court in Cumberland County and substituting in lieu thereof the following:

"Cumberland — Seventh Monday before the first Monday in March; first Monday in March; the first Monday after the first Monday in March; the eighth Monday after the first Monday in March; thirteenth Monday after the first Monday in March; first Monday before the first Monday in September; fifth Monday after the first Monday in September; and the eleventh Monday after the first Monday in September, the last for two weeks; each for criminal cases only. If the regular judge is unable for any reason set forth in Article four, Section eleven of the Constitution to hold the terms above provided for beginning on the first Monday in March, the eighth Monday after the first Monday in March, and the fifth Monday after the first Monday in September, the Governor shall assign a special, emergency or other regular judge to hold said terms. Third Monday before the first Monday in March; third Monday after the first Monday in March; ninth Monday after the first Monday in March; third Monday after the first Monday in September; seventh Monday after the first Monday in September, each to continue for two weeks, for civil cases only. At all criminal terms of court civil cases may be heard by consent of the parties, and motions may be heard upon ten days notice to the adverse party prior to said term."

Cumberland  
County.

(e) By striking out the paragraph relating to terms of the Superior Court in Person County and substituting in lieu thereof the following:

"Person—Fifth Monday before the first Monday in March; fourth Monday before the first Monday in March; seventh Monday after the first Monday in March; fourth Monday before the first Monday in September; sixth Monday after the first Monday in September. All of said terms shall be for the trial of both criminal and civil cases, except the term beginning on the fourth Monday before the first Monday in March, which shall be for the trial of civil cases only."

Person County.

(f) By striking out the paragraphs relating to terms of the Superior Court in Forsyth County and substituting in lieu thereof the following:

"Forsyth—Eighth Monday before the first Monday in March; fourth Monday before the first Monday in March; first Monday in March; fourth Monday after the first Monday in March; ninth

Forsyth County.

Monday after the first Monday in March; fourteenth Monday after first Monday in March; eighth Monday before first Monday in September; first Monday in September; fifth Monday after first Monday in September; ninth Monday after the first Monday in September; thirteenth Monday after first Monday in September, each of said terms to continue for two weeks, for the trial of criminal and civil cases; the seventh Monday before the first Monday in March, to continue for three weeks; the third Monday before the first Monday in March, to continue for three weeks; the first Monday after the first Monday in March, to continue for three weeks; the sixth Monday after the first Monday in March to continue for three weeks; the twelfth Monday after the first Monday in March to continue for two weeks; the fifteenth Monday after the first Monday in March to continue for two weeks; the second Monday after the first Monday in September, to continue for three weeks; the seventh Monday after the first Monday in September to continue for two weeks; the eleventh Monday after the first Monday in September, to continue for two weeks, each of said terms for the trial of civil cases only.

“The Governor shall assign a special, emergency or any regular judge to hold the following courts hereinbefore provided for when the regular judge assigned to the district is unable to hold same for any cause set out in Article four, Section eleven, of the Constitution.

“The second week of the term to try civil and criminal cases of the term beginning the eighth Monday before the first Monday in March; the second week of the civil and criminal term, beginning the fourth Monday before the first Monday in March; the second week of the civil and criminal term beginning the first Monday in March; the entire civil term beginning the sixth Monday after the first Monday in March; the second week of the civil and criminal term beginning the fourteenth Monday after the first Monday in March; the third week of the term beginning the second Monday after the first Monday in September; the first week of the civil term beginning the seventh Monday after the first Monday in September. All other terms and weeks of terms shall be presided over by the regular Judge assigned to hold courts in the Eleventh Judicial District.”

(g) By striking out the paragraphs relating to terms of the Superior Court in Guilford County and substituting in lieu thereof the following:

Guilford County.

“Guilford—Sixth Monday before the first Monday in March, one week; first Monday in March, two weeks; eighth Monday after the first Monday in March, one week; fifteenth Monday after the first Monday in March, one week; fifth Monday before the first Monday in September, one week; second Monday after the first Monday in September, two weeks; tenth Monday after



the first Monday in September, one week; fifteenth Monday after the first Monday in September, one week, for the trial of criminal cases only.

“Eighth Monday before the first Monday in March, two weeks; fourth Monday before the first Monday in March, two weeks; second Monday after the first Monday in March, two weeks; sixth Monday after the first Monday in March, two weeks; tenth Monday after the first Monday in March, two weeks; thirteenth Monday after the first Monday in March, two weeks; fourth Monday before the first Monday in September, two weeks; first Monday before the first Monday in September, two weeks; second Monday after the first Monday in September, two weeks; fourth Monday after the first Monday in September, two weeks; eighth Monday after the first Monday in September two weeks; for the trial of civil cases only. In addition to the terms of court now provided by law to be held in Guilford County, the following terms of court shall be opened and held in each year in the manner and at the times herein set forth, to-wit: second Monday before the first Monday in March, to continue for two weeks for the trial of civil cases; fourth Monday after the first Monday in March, to continue for two weeks for the trial of civil cases; eighth Monday before the first Monday in September, to continue for one week for the trial of criminal cases; seventh Monday after the first Monday in September, to continue for one week for the trial of criminal cases; eleventh Monday after the first Monday in September, to continue for two weeks for the trial of civil cases.

“If the judge regularly assigned to the district in which said county is situate is unable because of any cause set out in Article four, Section eleven of the Constitution to hold any of the last five preceding terms of court, then the Governor shall assign another judge to hold such term. The Commissioners of Guilford County are authorized and empowered in their discretion to pay the solicitor prosecuting the docket for the two criminal terms above provided, or other extra terms of criminal court of said county, not exceeding one hundred and fifty (\$150.00) dollars a week for such terms, or to designate some other competent attorney to prosecute at any such terms on behalf of the State and to pay him not exceeding said sum for each such week of work by him.

“In addition to the terms of court now provided by law to be held in Guilford County, the following additional terms of superior court for the trial of criminal cases only in Guilford County shall be held as follows: Ninth Monday before the first Monday in March, one week; third Monday after the first Monday in March, one week; twelfth Monday after the first Monday in March, one week; seventh Monday before the first Monday in September, one week; sixth Monday after the first Monday in September, one week; ninth Monday after the first Monday in



September, one week. First Monday after the first Monday in September, one week; eighth Monday after the first Monday in September, one week; thirteenth Monday after the first Monday in September, one week; fourteenth Monday after the first Monday in September, one week; eighth Monday before the first Monday in March, one week; fourth Monday before the first Monday in March, one week; seventh Monday after the first Monday in March, one week; eleventh Monday after the first Monday in March, one week."

(h) By striking out the paragraphs relating to terms of the Superior Court in Gaston County and substituting in lieu thereof the following:

Gaston County.

"Gaston—Seventh Monday before the first Monday in March; first Monday after the first Monday in March; seventh Monday after the first Monday in March; thirteenth Monday after the first Monday in March; sixth Monday before the first Monday in September; first Monday after the first Monday in September; seventh Monday after the first Monday in September; twelfth Monday after the first Monday in September, each to continue for one week, for the trial of criminal cases exclusively; sixth Monday before the first Monday in March; second Monday after the first Monday in March; eleventh Monday after the first Monday in March; fifth Monday before the first Monday in September; second Monday after the first Monday in September; thirteenth Monday after the first Monday in September, each to continue for two weeks, for the trial of civil cases exclusively; eighth Monday after the first Monday in September to continue for one week for the trial of civil cases only: Provided, that when the judge regularly assigned to hold the courts of the district is unable to do so for any cause set out in Article four, Section eleven of the Constitution, a special or emergency judge shall be assigned by the Governor to hold said courts in Gaston County, and such special or emergency judge shall have all the powers conferred upon any resident or presiding judge.

"At all criminal terms of said court, civil trials which do not require a jury may be heard by consent of the parties; and at all criminal terms of said court, upon five days notice to the adverse party, any order, application for injunction, receivership, motions, etc., may be heard in same manner as at civil terms."

(i) By striking out the paragraph relating to terms of the Superior Court in Caldwell County and substituting in lieu thereof the following:

Caldwell County.

"Caldwell—First Monday before the first Monday in March; second Monday before the first Monday in September, each to continue two weeks; eleventh Monday after the first Monday in March, to continue two weeks, for civil cases only; twelfth Monday after the first Monday in September, to continue two

weeks, for the trial of civil and criminal cases; the eighth Monday before the first Monday in March, to continue two weeks, for the trial of civil cases only; ninth Monday after the first Monday in March, to continue one week, for the trial of civil and criminal cases; fourth Monday after the first Monday in September, to continue two weeks, for the trial of civil cases only. For the last three terms provided for above, the Governor may assign a regular, special or emergency judge when the judge regularly assigned to the district is unable to hold said terms for any cause set out in Article four, Section eleven of the Constitution."

(j) By striking out the paragraph relating to terms of the Superior Court in Wilkes County and substituting in lieu thereof the following:

"Wilkes—Seventh Monday before the first Monday in March for three weeks for the trial of civil cases only; first Monday in March for three weeks for the trial of both civil and criminal cases; eighth Monday after the first Monday in March for two weeks for the trial of civil cases only; thirteenth Monday after the first Monday in March for two weeks for the trial of civil cases only; fourth Monday before the first Monday in September for two weeks for the trial of both civil and criminal cases; fourth Monday after the first Monday in September for two weeks for the trial of civil cases only; fourteenth Monday after the first Monday in September for two weeks for the trial of civil and criminal cases. Wilkes County.

"If, in the opinion of the Board of Commissioners of Wilkes County, it is not advisable or necessary to hold the term of court beginning on the fourteenth Monday after the first Monday in September, and such fact is so stated in a resolution duly adopted by a majority of said Board on or before the second Monday in November next preceding the day for the convening of said term, then the said term shall not be held on the fourteenth Monday after the first Monday in September of that year. Upon the adoption of such a resolution, the Clerk of the Board shall immediately notify the Judge, who has been assigned to hold said term, that same will not be held, and no jury for the said term shall be drawn."

(k) By striking out the paragraph relating to terms of the Superior Court in Alleghany County and inserting in lieu thereof the following:

"Alleghany—Eighth Monday after the first Monday in March, and the fourth Monday after the first Monday in September, both terms to be held by the regular judge, and both terms to be for the trial of civil and criminal cases." Alleghany County.

(l) By striking out the paragraph relating to terms of the Superior Court in Caswell County and inserting in lieu thereof the following:

Caswell County.

"Caswell—Second Monday after the first Monday in March, to continue for two weeks, the first week to be for the trial of criminal cases only, and the second week for the trial of civil cases; ninth Monday before the first Monday in September, to continue for one week for the trial of both criminal and civil cases; tenth Monday after the first Monday in September, to continue for two weeks, the first week to be for the trial of criminal cases only, and the second week for the trial of civil cases."

(m) By striking out the paragraph relating to terms of the Superior Court in New Hanover County and inserting in lieu thereof the following:

New Hanover  
County.

"New Hanover—Seventh Monday before the first Monday in March; second Monday after the first Monday in March; tenth Monday after the first Monday in March; fourteenth Monday after the first Monday in March; sixth Monday before the first Monday in September; first Monday before the first Monday in September; ninth Monday after the first Monday in September, each to continue for one week, and each to be for the trial of criminal cases only.

"Fourth Monday before the first Monday in March, sixth Monday after the first Monday in March; twelfth Monday after the first Monday in March; sixth Monday after the first Monday in September; thirteenth Monday after the first Monday in September, each to continue for two weeks and each to be for the trial of civil cases only. The first Monday after the first Monday in March, and the second Monday before the first Monday in September, each for one week and each to be for the trial of civil cases only. The tenth Monday after the first Monday in September for one week for the trial of both criminal and civil cases."

(n) By striking out the paragraph relating to terms of the Superior Court in Columbus County and inserting in lieu thereof the following:

Columbus  
County.

"Columbus—Fifth Monday before the first Monday in March; the fifteenth Monday after the first Monday in March, each to continue for two weeks and each to be for the trial of criminal cases only. The second Monday before the first Monday in March; the twelfth Monday after the first Monday in September, each to continue for two weeks and each to be for the trial of civil cases only. The ninth Monday after the first Monday in March; the fifth Monday after the first Monday in September; the fifteenth Monday after the first Monday in September, each to

continue for one week and each to be for the trial of criminal cases only. The eighth Monday before the first Monday in September; the fourth Monday after the first Monday in September, each to continue for one week, and each to be for the trial of civil cases only."

(o) By striking out the paragraph relating to terms of the Superior Court in Pender County and inserting in lieu thereof the following:

"Pender—Eighth Monday before the first Monday in March; eighth Monday after the first Monday in March; third Monday after the first Monday in September, each to continue for one week, and each to be for the trial of both criminal and civil cases. The third Monday after the first Monday in March; seventh Monday before the first Monday in September; eighth Monday after the first Monday in September, each to continue for one week, and each to be for the trial of civil cases only." Pender County.

(p) By striking out all of the paragraph relating to terms of the Superior Court in Brunswick County and inserting in lieu thereof the following:

"Brunswick—The sixth Monday before the first Monday in March; eleventh Monday after the first Monday in March; first Monday after the first Monday in September, each to continue for one week, and each to be for the trial of both criminal and civil cases. The fifth Monday after the first Monday in March; the second Monday after the first Monday in September, each to continue for one week and each to be for the trial of civil cases only." Brunswick County.

(q) By striking out the paragraph relating to terms of the Superior Court in Avery County and inserting in lieu thereof the following:

"Avery—Fifth Monday after the first Monday in March, for two weeks, the first week for the trial of criminal cases only, and the second week for the trial of civil cases only, ninth Monday before the first Monday in September, two weeks, for the trial of both criminal and civil cases; sixth Monday after the first Monday in September, for two weeks, the first week for the trial of criminal cases only, and the second week for the trial of civil cases only." Avery County.

(r) By striking out the paragraph relating to terms of the Superior Court in Halifax County and inserting in lieu thereof the following:

"Halifax—Fifth Monday before the first Monday in March, to continue for two weeks; second Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases only; eighth Monday after the first Monday in March, for Halifax County.



the trial of both criminal and civil cases, to continue for one week, and for this term of court the governor is hereby directed to appoint a judge to hold same from among the regular or emergency judges; thirteenth Monday after the first Monday in March, to continue for two weeks, the first week of which shall be for the trial of criminal or civil cases, or both, and the second week for trial of civil cases exclusively; third Monday before the first Monday in September, to continue for two weeks, for the trial of civil and criminal cases; fourth Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases only, and for this term of court the governor is hereby directed to appoint a judge to hold same from among the regular, special or emergency judges; seventh Monday after the first Monday in September, to continue for one week, for the trial of criminal cases only, and for this term of court the governor is hereby directed to appoint a judge to hold the same from among the regular, special or emergency judges; twelfth Monday after the first Monday in September, for the trial of civil and criminal cases, to continue for two weeks."

(s) By striking out the paragraph relating to terms of the Superior Court in Sampson County and inserting in lieu thereof the following:

Sampson County.

"Sampson—Fourth Monday before the first Monday in March, to continue for two weeks, for the trial of criminal or civil cases, or both; third Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases only; eighth Monday after the first Monday in March, to continue for two weeks, the first week of which shall be for the trial of criminal or civil cases, or both, and the second week for the trial of civil cases exclusively; fourteenth Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases only, and for this term of court a special or emergency judge shall be assigned by the Governor if the regular judge is unable for any cause set out in Article four Section eleven of the Constitution to hold said term. Fourth Monday before the first Monday in September, to continue for two weeks, for the trial of criminal or civil cases, or both; first Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases only; seventh Monday after the first Monday in September, to continue for two weeks, the first week of which shall be for the trial of criminal or civil cases, or both, and the second week for the trial of civil cases exclusively.

"At criminal terms of superior court in the sixth judicial district, civil actions which do not require a jury may be heard by consent; and at criminal terms in the county of Lenoir uncontested divorce cases may be tried by the court and a jury in all respects as at civil terms, and any order, judgment or decree may be entered in a civil action not requiring a jury trial."



(t) By striking out the paragraph relating to terms of the Superior Court in Harnett County and substituting in lieu thereof the following:

“Harnett—Eighth Monday before the first Monday in March, one week, for the trial of criminal cases only; fourth Monday before the first Monday in March to continue for two weeks, for the trial of civil cases only; second Monday after the first Monday in March, for the trial of criminal cases only; fourth Monday after the first Monday in March to continue for two weeks for the trial of civil cases only; ninth Monday after the first Monday in March for the trial of civil cases only; eleventh Monday after the first Monday in March, one week, for the trial of criminal cases only; fourteenth Monday after the first Monday in March, two weeks, for the trial of civil cases only; first Monday in September for criminal cases only; second Monday after the first Monday in September for the trial of civil cases only; fourth Monday after the first Monday in September to continue for two weeks, civil cases only; tenth Monday after the first Monday in September to continue for two weeks, for the trial of criminal cases only.” Harnett County.

“If no regular Judge is available for any cause set out in Article four, Section eleven, of the Constitution, for the one week term of Court beginning on the second Monday after the first Monday in March, or on the first Monday in September, or for the two weeks term of Court beginning on the fourth Monday after the first Monday in March, or on the fourth Monday after the first Monday in September, the Governor may assign a special judge to hold said Court.”

(u) By striking out the paragraph relating to terms of the Superior Court in Chowan County and inserting in lieu thereof the following:

“Chowan—Fourth Monday after the first Monday in March; eighth Monday after the first Monday in March to continue for one week, for the trial of civil cases only; first Monday after the first Monday in September; twelfth Monday after the first Monday in September.” Chowan County.

(v) By striking out the paragraph relating to terms of the Superior Court in Durham County and inserting in lieu thereof the following:

“Durham—Eighth Monday before the first Monday in March; second Monday before the first Monday in March; third Monday after the first Monday in March, for a term of two weeks; eleventh Monday after the first Monday in March; sixteenth Monday after the first Monday in March; seventh Monday before the first Monday in September; first Monday in September, for a term of two weeks; fifth Monday after the first Monday in Durham County.

September; thirteenth Monday after the first Monday in September, each for the trial of criminal cases only; seventh Monday before the first Monday in March, for a term of three weeks; first Monday before the first Monday in March, for a term of four weeks; fifth Monday after the first Monday in March, for a term of three weeks; eighth Monday after the first Monday in March, for a term of two weeks; twelfth Monday after the first Monday in March, for a term of three weeks; fifth Monday before the first Monday in September, for a term of two weeks; second Monday after the first Monday in September, for a term of three weeks; sixth Monday after the first Monday in September, for a term of two weeks; eighth Monday after the first Monday in September, for a term of two weeks, each for the trial of civil cases only.

"That in case of conflict of any of the regularly established terms of the courts of the Tenth Judicial District with the terms above set out, the said terms of court herein established shall be considered Special Terms, and the Governor may assign a Special or Emergency Judge to hold said terms of the Superior Court of Durham County when the Judge holding the regular terms of court in the district is unable to hold said terms for any cause set out in Article four, Section eleven, of the Constitution."

(w) By striking out the paragraph relating to terms of the Superior Court in Warren County and inserting in lieu thereof the following:

Warren County.

"Warren—Seventh Monday before the first Monday in March for criminal cases only; sixth Monday before the first Monday in March for civil cases only; eleventh Monday after the first Monday in March for criminal cases only; twelfth Monday after the first Monday in March for civil cases only; second Monday after the first Monday in September for criminal cases only; third Monday after the first Monday in September for civil cases only; each to continue one week. At any term for the trial of criminal cases, civil cases may be tried by consent."

(x) By striking out the paragraph relating to terms of the Superior Court in Mecklenburg County and inserting in lieu thereof the following:

Mecklenburg  
County.

"Mecklenburg—Eighth Monday before the first Monday in March; first Monday before the first Monday in March; tenth Monday after the first Monday in March; fourteenth Monday after the first Monday in March; eighth Monday before the first Monday in September, which last named term only is to continue two weeks; first Monday before the first Monday in September; fourth Monday after the first Monday in September; tenth Monday after the first Monday in September, which eight terms are for the trial of criminal cases exclusively; fourth Monday before the first Monday in March, to continue three

weeks; the first Monday in March; fourth Monday after the first Monday in March; eighth Monday after the first Monday in March; eleventh Monday after the first Monday in March; the first Monday in September; fifth Monday after the first Monday in September; eighth Monday after the first Monday in September; eleventh Monday after the first Monday in September, which last named eight terms are to continue for two weeks; fifteenth Monday after the first Monday in March, and all of the last named ten terms are for the trial of civil cases exclusively: Provided, that the Board of County Commissioners of Mecklenburg county may in their discretion, by an order at their regular meeting held on the first Monday in March in any year, provide for the holding of a term of court for the seventh Monday after the first Monday in March, and for the trial of civil and criminal cases, either or both, at said term.

“No process nor other writ of any kind pertaining to civil actions shall be made returnable to any of the criminal terms, and no business pertaining to civil actions shall be transacted at the criminal terms for Mecklenburg county.

“In addition to the courts above set out for Mecklenburg county, the following terms of superior court for the trial of civil cases in Mecklenburg county shall be held, as follows: eighth Monday before the first Monday in March; sixth Monday before the first Monday in March; fourth Monday before the first Monday in March; second Monday before the first Monday in March; first Monday in March; second Monday after the first Monday in March; fourth Monday after the first Monday in March; sixth Monday after the first Monday in March; eighth Monday after the first Monday in March; tenth Monday after the first Monday in March; twelfth Monday after the first Monday in March; fourteenth Monday after the first Monday in March; the first Monday in September; the second Monday after the first Monday in September; the fourth Monday after the first Monday in September; the sixth Monday after the first Monday in September; the eighth Monday after the first Monday in September; the tenth Monday after the first Monday in September; the twelfth Monday after the first Monday in September; and the fourteenth Monday after the first Monday in September. Said terms of court may be held contemporaneously with other courts in said county or district, shall be for two weeks each, shall be for the trial of civil cases only, and shall be held by regular, special, or emergency judges who shall be assigned by the governor, and the special or emergency judges who preside over said additional terms of court shall have all the powers conferred upon any resident or regular judge.

“In addition to the courts above set out for Mecklenburg county, the following terms of superior court for the trial of criminal cases in Mecklenburg county shall be held, as follows:

sixth Monday after the first Monday in March; fifth Monday before the first Monday in September; fourth Monday before the first Monday in September, each to continue for one week. The sixth Monday before the first Monday in March; the second Monday after the first Monday in March; the sixteenth Monday after the first Monday in March; the third Monday before the first Monday in September; the second Monday after the first Monday in September; and the thirteenth Monday after the first Monday in September. Said terms of court may be held contemporaneously with other courts in said county or district, shall be for two weeks each, shall be for the trial of criminal cases only, and shall be held by regular, special, or emergency judges who shall be assigned by the governor; and the special or emergency judges who preside over said additional terms of court shall have all the powers conferred upon any resident or regular judge."

(y) By striking out the paragraph relating to terms of the Superior Court in Madison County and inserting in lieu thereof the following:

Madison County.

"Madison—First Monday before the first Monday in March, to continue for one week; third Monday after the first Monday in March, to continue for one week; seventh Monday after the first Monday in March, to continue for one week; twelfth Monday after the first Monday in March, to continue for one week; sixteenth Monday after the first Monday in March, to continue for one week; first Monday before the first Monday in September, to continue for one week; third Monday after the first Monday in September, to continue for one week; seventh Monday after the first Monday in September, to continue for one week; twelfth Monday after the first Monday in September, to continue for one week; sixteenth Monday after the first Monday in September, to continue for one week.

"The Board of County Commissioners shall, at the time of drawing the jurors for the terms of court provided in the preceding paragraph, designate whether the terms shall be for the trial of civil or criminal cases, and draw the jurors accordingly."

(z) By striking out the paragraphs relating to terms of the Superior Court in Buncombe County and inserting in lieu thereof the following:

Buncombe  
County.

"Buncombe—Eighth Monday before the first Monday in March, to continue for two weeks for the trial of civil cases only; sixth Monday before the first Monday in March, to continue for one week, for the trial of criminal cases only; eighth Monday before the first Monday in September, to continue for two weeks for the trial of civil cases only; sixth Monday before the first



Monday in September, to continue for one week for the trial of criminal cases only.

“Fourth Monday before the first Monday in March, to continue for two weeks, for the trial of civil cases only; second Monday before the first Monday in March, to continue for one week for the trial of criminal cases only; first Monday in March, to continue for two weeks for the trial of civil cases only; second Monday after the first Monday in March, to continue for one week for the trial of criminal cases only; fourth Monday after the first Monday in March, to continue for two weeks for the trial of civil cases only; sixth Monday after the first Monday in March, to continue for one week for the trial of criminal cases only; ninth Monday after the first Monday in March, to continue for two weeks for the trial of civil cases only; eleventh Monday after the first Monday in March, to continue for one week for the trial of criminal cases only; thirteenth Monday after the first Monday in March, to continue for two weeks for the trial of civil cases only; fifteenth Monday after the first Monday in March, to continue for one week for the trial of criminal cases only; fourth Monday before the first Monday in September, to continue for two weeks for the trial of civil cases only; second Monday before the first Monday in September, to continue for one week for the trial of criminal cases only; first Monday in September, to continue for two weeks for the trial of civil cases only; second Monday after the first Monday in September, to continue for one week for the trial of criminal cases only; fourth Monday after the first Monday in September, to continue for two weeks for the trial of civil cases only; sixth Monday after the first Monday in September, to continue for one week for the trial of criminal cases only; ninth Monday after the first Monday in September, to continue for two weeks for the trial of civil cases only; eleventh Monday after the first Monday in September, to continue for one week for the trial of criminal cases only; thirteenth Monday after the first Monday in September, to continue for two weeks for the trial of civil cases only; fifteenth Monday after the first Monday in September, to continue for one week for the trial of criminal cases only.

“The terms of court provided in the preceding paragraph shall be held by the judge regularly riding the nineteenth judicial district, and during said terms uncontested divorce actions and civil orders may be tried and heard by the judge assigned to hold said courts.

“Seventh Monday before the first Monday in March, to continue for two weeks; fifth Monday before the first Monday in March, to continue for one week; second Monday before the first Monday in March, to continue for two weeks; second Monday after the first Monday in March, to continue for two weeks; sixth Monday after the first Monday in March, to continue for



two weeks; eighth Monday after the first Monday in March, to continue for one week; eleventh Monday after the first Monday in March, to continue for two weeks; fifteenth Monday after the first Monday in March, to continue for two weeks; seventh Monday before the first Monday in September, to continue for two weeks; fifth Monday before the first Monday in September, to continue for one week; second Monday before the first Monday in September, to continue for two weeks; second Monday after the first Monday in September, to continue for two weeks; sixth Monday after the first Monday in September, to continue for two weeks; eighth Monday after the first Monday in September, to continue for one week; eleventh Monday after the first Monday in September, to continue for two weeks; fifteenth Monday after the first Monday in September, to continue for two weeks.

"The courts provided in the preceding paragraph shall be held by special or emergency judges to be assigned by the Governor, if the regular judge assigned is unable to hold said terms for any cause set out in Article four, Section eleven, of the constitution. The Board of County Commissioners shall notify the Jury Commission at, or before, the time of drawing the jurors for these terms of court whether the same shall be for the trial of civil or criminal cases, or what portions thereof shall be for each, and the Jury Commission shall draw jurors accordingly."

(aa) By striking out the paragraph relating to terms of the Superior Court in Yadkin County and substituting in lieu thereof the following:

Yadkin County.

"Yadkin—Fourth Monday before the first Monday in March for three weeks for the trial of criminal and civil cases; second Monday before the first Monday in September for one week for the trial of criminal cases; eleventh Monday after the first Monday in September for two weeks for the trial of civil cases."

Assignment of Judges.

SEC. 2. That if the regular judge holding the courts for any district is not available for any cause set out in Article four, Section eleven, of the Constitution to hold any of the terms of court provided for in this Act, the Governor shall assign a judge to hold such term or terms from among the regular, special or emergency judges.

Conflicting laws repealed.

SEC. 3. That all general, special, and local laws and clauses of laws in conflict with this Act are hereby repealed, it being the intent and purpose of this Act that the terms of court herein provided for shall supersede and be in substitution of all other terms of court in the counties affected by this Act.

Construction of Act.

Effective date.

SEC. 4. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 495

## CHAPTER 368

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWENTY-FOUR, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, KNOWN AS "THE NORTH CAROLINA FERTILIZER LAW OF 1933," AS AMENDED.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred and twenty-four of the Public Laws of one thousand nine hundred and thirty-three, as amended by Chapter four hundred and thirty of the Public Laws of one thousand nine hundred and thirty-seven and Chapter two hundred and eighty-six of the Public Laws of one thousand nine hundred and thirty-nine be, and the same hereby is, amended to read as follows:

Ch. 324, Public Laws, 1933, as amended, rewritten.

"SECTION 1. Title. This Act shall be known by the short title of 'The North Carolina Fertilizer Law of one thousand nine hundred and thirty-three, as amended by the Legislature of one thousand nine hundred and forty-one'.

Short title.

SEC. 2. Enforcing Official. This Act shall be administered by the Commissioner of Agriculture of the State of North Carolina, hereinafter referred to as the "Commissioner".

Enforcing official.

SEC. 3. Definitions. When used in this Act:

Definitions:

(a) The word 'person' includes individuals, partnerships, associations and corporations.

"Person."

(b) Words importing the singular number may extend and be applied to several persons or things, and words importing the plural number may include the singular.

Construction of singular and plural words.

(c) The term 'manufacturer' means a person engaged in the business of preparing, mixing or manufacturing mixed fertilizers or fertilizer materials; and the term 'manufacture' means preparation, mixing or manufacturing.

"Manufacturer."

"Manufacture."

(d) The word 'sell' or 'sale' includes exchange.

"Sell" or "Sale."

(e) The term 'fertilizer material' means any substance containing nitrogen, phosphoric acid, potash, other recognized plant foods, or combinations of these ingredients in forms available to plants, which is or may be used with another such substance in the compounding of mixed fertilizers, or for direct application to the soil, excepting unmanipulated animal manures and vegetable products.

"Fertilizer material."

(f) The term 'mixed fertilizer' means any combination or mixture of fertilizer materials designed and fitted for use in inducing crop yields or plant growth when applied to the soil.

"Mixed fertilizer."

- "Brand name." (g) The term 'brand name' means the name under which any individual mixed fertilizer or fertilizer material is offered for sale and may include a number, trade mark, or other designation.
- "Grade." (h) The term 'grade' means the minimum percentage of total nitrogen (N); phosphoric acid ( $P_2O_5$ ) in available form (comprising the water and citrate soluble phosphoric acid) except as provided for in paragraph (e) of Section four; and available potash ( $K_2O$ ). These are to be stated in this order, and when applied to mixed fertilizers, in whole numbers only.
- "Official sample." (i) The term 'official sample' means any sample of mixed fertilizer or fertilizer material registered under this Act which is taken by an authorized inspector of the Department of Agriculture according to the methods prescribed under Section nine, paragraphs (b), (c), (d), (e) and (f).
- "Ton." (j) The word 'ton' means a ton of 2,000 pounds avoirdupois.
- "Per cent." (k) The term 'per cent' or 'percentage' means the percentage by weight.
- "Formula." (l) The word 'formula' as used in this Act means a statement of all materials used in compounding the mixed fertilizer and the amount of each of such materials used in a ton, or a statement of the pounds or fractional parts of the nitrogen, available phosphoric acid and available potash that are derived from each fertilizer material used. When the formula of any mixed fertilizer is printed on a tag attached to the container this constitutes an open formula. An open formula shall express the quantity and grade of the crude stock materials used in making a fertilizer mixture. For example: 1000 lbs. superphosphate, 16%  $P_2O_5$ ; 277 lbs. cotton seed meal, 5.76% N; 200 lbs. nitrate of soda; 16% N; 156 lbs. sulphate of ammonia; 20.5% N; 160 lbs. muriate of potash, 50%  $K_2O$ ; and 207 lbs. limestone.

#### SEC. 4. Registration.

- Registration of fertilizers offered for sale. (a) All manufacturers, dealers or agents who may desire to sell or offer for sale hereafter in this State any fertilizers or fertilizer materials shall register annually on or before the first day of December or before offering for sale with the Commissioner of Agriculture upon forms furnished by said commissioner the name of each brand and grade of fertilizer or fertilizer material which they may desire to sell or offer for sale in this State, either by themselves or their agents together with the name and address of the applicant, and the following information with respect to each brand, grade or analysis in the following order:
- Application.
- Information shown.
- Weight. (1) Net weight of each package in pounds.

(2) Brand name and grade.

Brand name.

(3) Guaranteed analysis showing the minimum percentages of plant food and other information in the following order:

Analysis.

A. In Mixed Fertilizers: (Other than those branded for tobacco.)

Mixed fertilizers, other than for tobacco: information shown.

Total nitrogen, per cent (whole numbers only): Provided, further that the wording 'Total available nitrogen' may be stated and printed on the bag or tag, but that such guarantee be interpreted as 'Total nitrogen.'

Water Insoluble nitrogen, per cent of total, in multiples of five;

Available phosphoric acid, per cent (whole numbers only);

Available potash, per cent (whole numbers only);

Whether the fertilizer is acid forming or non-acid forming;

The potential basicity or acidity expressed as equivalent of calcium carbonate in multiples of five per cent (or one hundred pounds per ton) only.

B. In Mixed Fertilizers: (Branded for tobacco.)

Mixed fertilizers branded for tobacco: information shown.

Total nitrogen, per cent (whole numbers only); Provided, further that the wording 'Total available nitrogen' may be stated and printed on the bag or tag, but that such guarantee be interpreted as 'Total nitrogen.'

(Optional) Nitrogen in the form of nitrate, per cent of total in multiples of five;

Water insoluble nitrogen, per cent of total in multiples of five;

Available phosphoric acid, per cent (whole numbers only);

Available potash, per cent (whole numbers only); and the maximum percentage of chloride expressed as:

Chlorine, per cent.

Whether the fertilizer is acid forming or non-acid forming.

The potential basicity or acidity expressed as equivalent of calcium carbonate in multiples of five per cent (or one hundred pounds per ton) only.

C. In Fertilizer Materials: (if claimed).

Fertilizer materials: information shown.

Total Nitrogen, per cent: Provided, further, that the wording 'Total Available Nitrogen' may be stated and printed on the bag or tag, but that such guarantee be interpreted as 'Total Nitrogen.'

Available phosphoric acid, per cent;

Available potash, per cent;

Or other recognized plant foods, per cent.

(4) The name and address of the person guaranteeing the registration.

(5) The sources from which such nitrogen, phosphoric acid and potash are derived.

(6) Whether or not the brand will be sold with an open formula.

Changes in brand and analysis.

(b) The grade of any brand of mixed fertilizer shall not be changed during the registration period, but the guaranteed analysis may be changed in other respects and the sources of materials may be changed: Provided, prompt notification of such change is given to the commissioner and the change is noted on the container or tag: Provided, further, that the guaranteed analysis shall not be changed if it, in any way, lowers the quality of the fertilizer.

Double registration unnecessary.

(c) The person offering for sale or selling any brand of mixed fertilizer or fertilizer material shall not be required to register the same if it has already been registered under this Act by a person entitled to do so and such registration is then outstanding.

Guarantee of total and available phosphoric acid.

(d) In the case of bone, tankage and other organic materials in which the phosphoric acid content is not shown by laboratory methods to be available but eventually becomes available in the soil, the phosphoric acid may be guaranteed as total phosphoric acid: Provided, that unacidulated mineral phosphatic materials and basic slag shall be guaranteed as to both total and available phosphoric acid.

Use of terms in analysis.

(e) In no case, except in the case of unacidulated mineral phosphates and basic slag, shall the term total phosphoric acid and available phosphoric acid be used in the same statement of analysis.

Registration fees.

(f) For the privilege of such registrations, the person engaged in the manufacture and sale of fertilizers and fertilizer materials shall pay to the Commissioner of Agriculture of the State of North Carolina at the time of offering the same for registration the sum of two dollars (\$2.00) for each grade and brand name registered by each person shipping into or manufacturing fertilizer or fertilizer materials in this State and no grade and brand name shall be registered without the payment of said sum. The brand name registered by a person shall not be entitled to registration by another person and the person having first registered and used said brand name shall be entitled to it even should said brand name not be offered for current registration.

Exclusive registrations of brands; rights of registrants.

Annual renewals.

The registration of all grades and brands of fertilizers or fer-



tilizer materials shall expire on November thirtieth of the year for which they are registered. Brands that were registered during a previous year shall be required to be registered before they are again offered for sale in North Carolina: Provided that all persons heretofore registering fertilizer or fertilizer material with the Commissioner of Agriculture and having paid the registration fee required by Chapter three hundred and twenty-four, Public Laws of one thousand nine hundred and thirty-three, shall be given credit on future registration fees required under this Act for the unearned or unused portion of the fees so paid on a pro rata basis of the period covered by said fee.

Credit allowances as to fees paid under prior Act.

(g) Every person proposing to manufacture or deal in mixed fertilizers and fertilizer materials shall, after filing the statement above provided for with the Commissioner of Agriculture, receive from the said Commissioner a certificate stating that he has complied with the foregoing sections, which certificate shall be furnished by the commissioner without any charge therefor. The said certificate when furnished shall authorize the party receiving the same to manufacture for sale in this State, or to sell in this State, directly or through dealers or agents, the brands and grades named in said certificate. No person who has failed to pay the fee, to file the statement, and to receive the certificate of authority shall be authorized to manufacture or offer for sale in this State mixed fertilizers and fertilizer materials; and any person so manufacturing for sale in this State, or so dealing or selling without having paid the fee, filed the statement, and received the certificate, except dealers and agents selling, or offering for sale, fertilizers on which the fee has been paid by, and certificate issued to, the manufacturers as provided for in the preceding sections of this chapter, shall be guilty of a misdemeanor for each violation and shall be subject to a fine not exceeding five hundred dollars (\$500.00).

Issuance of certificates of registration of manufacturers, etc.

Authority to manufacture and sell brands in State.

Prerequisites.

Manufacturing, etc. without authority, prohibited.

Violation made misdemeanor.

## SEC. 5. MARKING.

(a) Each person who sells or offers for sale mixed fertilizer or fertilizer materials in this State shall associate with each shipment the information required by items (1) to (4), both inclusive, of paragraph (a) and by paragraph (d) of Section four. If shipped in bags, barrels or other containers commonly used, the brand name and either the grade or guaranteed analysis (total nitrogen, available phosphoric acid and available potash) shall be printed on the package. If more than one grade is sold under one brand name, the grade shall be printed on the package. Additional information required by this section shall appear either on the package or on a tag, affixed at the end of the package and in the case of bags with ears, the tag, if used, shall be affixed between the ears.

Marking Containers.

(b) If shipped in bulk by rail, said information shall be printed on a suitable label which shall be fastened on the inside wall of the car near the door.

Marking bulk shipments by rail.

Marking bulk shipments by boat, truck, etc.

(c) If shipped in bulk by boat, truck, wagon, or other vehicle, said information shall be attached to the copy of the invoice delivered to the purchaser or other receiver.

Marking packages when weight less than 50 pounds.

(d) If shipped in packages weighing less than fifty pounds, said information shall be printed on the tag or container in which the material is delivered to the purchaser.

Marking fertilizer registered with open formula.

(e) If the fertilizer is registered for sale with an open formula it is required that a separate tag be attached to the container, which tag shall state only the formula, the brand name and the name and address of the person guaranteeing the registration.

Effect of statement on open formula tag.

(f) The statement on the open formula tag shall constitute a guarantee of the kinds, amounts, and analysis of fertilizer materials in the container to which the tag is attached.

Suspension of right to sell with open formula.

(g) If the analysis of any brand of fertilizer sold or offered for sale with an open formula shall show that this statement is false, the Commissioner may revoke the right to sell or offer for sale such brand with an open formula for a period of two years.

Effect of three suspensions.

(h) Any manufacturer or other producer who shall have suffered three such revocations in any two year period shall not be permitted to register any brand with an open formula for two years following the last revocation.

Tags, etc. furnished by manufacturer.

(i) The tags, labels or certificates, when required by this section, shall be furnished by the manufacturer.

Magnesium oxide: minimum percentages.

(j) Magnesium oxide (MgO), calcium oxide (CaO), and sulphur (S) may be claimed as ingredients in all mixed fertilizers, but when so claimed the minimum percentages of total magnesium oxide (MgO), total calcium oxide (CaO) and total sulphur (S) shall be guaranteed; excepting that the sulphur guarantees for fertilizers branded for tobacco shall be both the maximum and the minimum percentages.

Regulation of guaranty of additional plant food, etc.

(k) Additional plant food, elements, compounds, or classes of compounds determinable by chemical control methods, may be guaranteed only by permission of the Commissioner by and with the advice of the Director of the North Carolina Experiment Station. When any such additional plant food, elements, compounds, or classes of compounds are included in the guarantee, they shall be subject to inspection, and analysis in accordance with the methods and regulations that may be prescribed by the commissioner. The commissioner shall also fix penalties for failure to fulfill such guarantees.

Inspection and analysis.

Penalties for failure of guaranty.

#### SEC. 6. USE OF THE TERM 'HIGH GRADE'.

Use of term, "High Grade," on tags, containers, etc.

The words 'High Grade' shall not appear upon any tag, bag, or other container of any mixed fertilizer which contains, by the guaranteed analysis, a total of less than twenty per cent of

available plant food (total nitrogen—available phosphoric acid—available potash).

#### SEC. 7. TONNAGE TAX.

(a) Inspection Tax of Fertilizer; Tax Tags. For the purpose of defraying expenses of the inspection and of otherwise determining the value of mixed fertilizers and fertilizer materials in this State, there shall be paid to the Department of Agriculture a charge of twenty-five cents per ton or one cent for each individual package containing fifty pounds net or less and more than five pounds on such mixed fertilizers and fertilizer materials, which charge shall be paid before a delivery is made to agents, dealers, or consumers in this State. On individual packages of five pounds or less, there shall be paid in lieu of the tonnage tax an annual registration fee of twenty-five dollars (\$25.00) for each brand or grade offered for sale in packages of five pounds or less. Each bag, barrel, or other container of such mixed fertilizer or fertilizer material shall have attached thereto a tag to be furnished by the Department of Agriculture stating that all charges specified in this section have been paid, and the commissioner, with the advice and consent of the Board of Agriculture is hereby empowered to prescribe a form for such tags, and to adopt such regulations as will insure the enforcement of this law. Whenever any manufacturer of mixed fertilizer or fertilizer materials shall have paid the charges required by this section, his goods shall not be liable to further tax, whether by city, town, or county: Provided, this shall not exempt the mixed fertilizer or fertilizer materials from an ad valorem tax.

Inspection tax on fertilizer.

Tonnage rate.

Annual registration fee, in lieu of tonnage tax, on small packages.

Tags.

Form of tags.

Enforcement of law.

No further tax liability.

(b) The tax tags required under this section shall be issued each year by the commissioner and be sold to persons applying for the same at the tax rate provided in paragraph (a) of this section. Undetached tags left in the possession of persons registering mixed fertilizers or fertilizer materials at the end of any calendar year may be exchanged for tags of the succeeding year, on or before March first.

Issuance of tax tags.

Exchange of undetached tags remaining at end of year.

(c) Tax Tags on Shipments in Bulk. If any manufacturer, dealer, agent or other seller of fertilizer shall desire to ship in bulk any mixed fertilizer or fertilizer materials, the said manufacturer or seller of fertilizer shall send with the bill of lading sufficient cancelled tax tags to pay the tax on the amount of goods shipped, and the agent of the railroad or other transportation company shall deliver the tags to the consignee when the goods are delivered.

Tax tags on shipments in bulk.

#### SEC. 8. INSPECTION.

It shall be the duty of the commissioner, personally or by agents, duly authorized in writing, to make such inspection of mixed fertilizer or fertilizer material in this State, to have such samples taken, and to have such analyses made as in his

Inspection of mixed fertilizer or materials.

Analyses.

judgment may be necessary to ascertain whether or not persons offering, selling or distributing mixed fertilizer or fertilizer materials are complying with the provisions of this Act.

#### SEC. 9. Official Sample, Liability for Deficiency or Damage.

##### Official samples.

(a) Samples of mixed fertilizer or fertilizer material complying with the definition set forth in paragraph (i) of Section three and taken as hereafter prescribed in paragraphs (b), (c), (d), (e) and (f) of this section shall constitute official samples.

##### Taking official samples for purpose of analysis.

(b) For the purposes of analysis by the commissioner or his duly authorized chemists and for comparison with the guarantee supplied to the commissioner in accordance with Sections four and five, the commissioner, or an official inspector duly appointed by him, shall take an official sample of not less than one pound from containers of mixed fertilizer or fertilizer material. No sample shall be taken from less than five containers. If the lot comprises five (5) or more containers, portions shall be taken from each one up to a total of ten (10) containers. If the lot comprises from ten (10) to one hundred (100) containers, portions shall be taken from ten (10) containers. Of lots comprising more than one hundred (100) containers, portions shall be taken from ten (10) per cent of the total number of containers.

##### Method of sampling, when packed in containers.

##### Method of sampling, when fertilizer in bulk.

(c) In sampling mixed fertilizer or fertilizer materials, in bulk, either in a factory or a car, at least ten portions shall be drawn and these from different places so as fairly to represent the pile or car lot.

##### Use of core sampler.

##### Method.

(d) In sampling, a core sampler shall be used that removes a core from the bag or other package from top to bottom, and the cores taken shall be mixed on clean oil cloth or paper, and if necessary shall be reduced after thoroughly mixing, by quartering, to the quantity of sample required. The composite sample taken from any lot of mixed fertilizer or fertilizer material under the provision of this paragraph shall be placed in a tight container and shall be forwarded to the commissioner with proper identification marks.

##### Modification of provisions of Section to conform with official methods of A. O. A. C.

(e) The commissioner may modify the provisions of this section to bring them into conformity with any changes that may hereafter be made in the official methods of and recommendations for sampling mixed fertilizers or fertilizer materials which shall have been adopted by the Association of Official Agricultural Chemists. Thereafter, such methods and recommendations shall be used in all sampling done in connection with the administration of this Act in lieu of those prescribed in paragraphs (b), (c) and (d) of this section.

##### Samples taken from original unbroken containers; etc.

(f) All samples taken under the provisions of this section shall be taken from original unbroken bags or containers, the



contents of which have not been damaged by exposure, water or otherwise.

(g) The commissioner shall refuse to analyze all samples except such as are taken under the provisions of this section and of Section ten.

Analysis refused when samples not in accord Section.

(h) No suit for damages claimed to result from the use of any lot of mixed fertilizer or fertilizer material may be brought unless it shall be shown by an analysis of a sample taken and analyzed in accordance with the provisions of this Act, that the said lot of fertilizer as represented by a sample or samples taken in accordance with the provisions of Sections nine and ten do not conform to the provisions of this Act with respect to the composition of the mixed fertilizer or fertilizer material, unless it shall appear to the commissioner that the manufacturer of the fertilizer in question has, in the manufacture of other goods offered in this State during such season, employed such ingredients as are outlawed by the provisions of this Act, or unless it shall appear to the commissioner that the manufacturer of such fertilizer has offered for sale during that season any kind of dishonest or fraudulent goods.

Conditions for maintaining suit for damages resulting from use of fertilizer.

(i) In the trial of any suit or action wherein there is called in question the value or composition of any lot of mixed fertilizer or fertilizer material, a certificate signed by the fertilizer chemist and attested with the seal of the Department of Agriculture, setting forth the analysis made by the chemists of the Department of Agriculture, of any sample of said mixed fertilizer or fertilizer material, drawn under the provisions of this section or Section ten and analyzed by them under the provisions of the same, shall be prima facie proof that the fertilizer was of the value and constituency shown by said analysis. And the said certificate of the chemist shall be admissible in evidence to the same extent as if it were his deposition taken in said action in the manner prescribed by law for the taking of depositions.

Evidentiary value of analysis certificates of fertilizer chemist, in trial of suits.

SEC. 10. SAMPLES BY PURCHASER OR CONSUMER. Any purchaser or consumer may take and have a sample of mixed fertilizer or fertilizer material analyzed if taken in accordance with the following rules and regulations:

Samples by purchaser or consumer.

(a) At least five days before taking a sample, the purchaser or consumer shall notify the manufacturer or seller of the brand in writing, at his permanent address, of his intention to take such a sample and shall request the manufacturer or seller to designate a representative to be present when the sample is taken.

Notice to manufacturer, etc., of intent to take sample.

(b) The sample shall be drawn in the presence of the manufacturer, seller or a representative designated by either party together with two disinterested freeholders; or in case the

Drawing of sample.



Type of sampler.	manufacturer, seller, or representative of either refuses or is unable to witness the drawing of such a sample, a sample may be drawn in the presence of three disinterested freeholders; Provided, any such sample shall be taken with the same type of sampler as used by the inspector of the Department of Agriculture in taking samples and shall be drawn, mixed and divided as directed in paragraphs (b), (c), (d), (e) and (f) of Section nine, except that the sample shall be divided into two parts each to consist of at least one pound. Each of these is to be placed into a separate, tight container, securely sealed, properly labeled, and one sent to the commissioner for analysis and the other to the manufacturer. A certified statement in a form which will be prescribed and supplied by the commissioner must be signed by the parties taking and witnessing the taking of the sample. Such certificate is to be made and signed in duplicate and one copy sent to the commissioner and the other to the manufacturer or seller of the brand sampled. The witnesses of the taking of any sample, as provided for in this section, shall be required to certify that such sample has been continuously under the observation from the taking of the sample up to and including the delivery of it to an express agency, a post office or to the office of the commissioner. No sample may be taken under the provisions of this section except within thirty days after the actual delivery to the consumer.
Samples placed in sealed container and sent for analysis.	
Certificate as to sampling executed by witnesses.	
Contents.	
Time limit on taking samples.	
Legal status of samples drawn under this Section.	(c) Samples drawn in conformity with the requirements of this section shall have the same legal status in the courts of the State as those drawn by an official inspector of the department as provided for in Section nine.

## SEC. 11. CHEMICAL ANALYSES.

Chemical analyses.	(a) The commissioner shall have the power at all times and in all places to have collected by an authorized inspector, samples of any mixed fertilizer or fertilizer material offered for sale in the State and to have the same analyzed.
Methods prescribed by A. O. A. C.	(b) The official methods of analysis prescribed by the Association of Official Agricultural Chemists shall be followed in making the chemical analyses provided for in this section.
Methods prescribed by State Chemist, if no method prescribed by A. O. A. C.	(c) If the State Chemist is required by law to make analyses or determinations for any ingredients before the Association of Official Agricultural Chemists shall have adopted an official, or tentative, method for such determination, then the State Chemist shall prescribe a method of analysis to be used and he shall send a copy of such methods to every manufacturer, whose brands are registered in this State, at least six months before such provisions of the law become effective.

## SEC. 12. PLANT FOOD DEFICIENCY.

(a) The commissioner, in determining for administrative purposes whether or not any mixed fertilizer or fertilizer material is deficient in plant food, shall be guided solely by the official sample as defined in Section three, and as provided for in paragraphs (b), (c), (d), (e) and (f) of Section nine and the samples taken under the provisions of Section ten.

Determination of  
plant food  
deficiency.

(b) If the analysis shall show that any mixed fertilizer falls as much as five per cent and not more than ten per cent below the guaranteed analysis in the total value of the guaranteed nitrogen, available phosphoric acid and available potash, twice the value of such deficiency shall be assessed against the manufacturer, dealer, or agent who sold such fertilizer. If the fertilizer shall fall over ten per cent below the guaranteed analysis in the total value of the guaranteed nitrogen, available phosphoric acid and available potash, the penalty assessed shall be four times the value of the deficiency: Provided, that in no case shall the total assessed penalties exceed the value of the goods to which it applies.

Penalty for  
failure of  
manufacturer,  
etc. to meet  
guaranteed  
analyses.

If the analysis shall show that any fertilizer or fertilizer material falls short of the guaranteed analysis in any one ingredient, a penalty shall be assessed in accordance with the following tolerances and penalties:

Penalties for  
deficiencies in  
particular  
ingredients:

(c) Total Nitrogen and/or Total Available Nitrogen: A penalty of three times the value of the deficiency, if such deficiency is in excess of twenty points (which shall mean 0.20 of one per cent) on goods that are guaranteed two per cent nitrogen; twenty-five points (which shall mean 0.25 of one per cent) on goods that are guaranteed three per cent nitrogen; thirty-five points (which shall mean 0.35 of one per cent) on goods that are guaranteed four per cent; forty points (which shall mean 0.40 of one per cent) on goods that are guaranteed five per cent up to and including eight per cent; and fifty points (which shall mean 0.50 of one per cent) on goods guaranteed over eight per cent.

Deficiency of  
total Nitrogen;  
total available  
Nitrogen.

(d) Available Phosphoric Acid: A penalty of three times the value of the deficiency, if such deficiency exceeds forty points (which shall mean 0.40 of one per cent) on goods guaranteed up to and including ten per cent; and fifty points (which shall mean 0.50 of one per cent) on goods guaranteed over ten per cent available phosphoric acid.

Deficiency of  
available Phos-  
phoric Acid.

(e) Available Potash: A penalty of three times the value of the deficiency, if such deficiency is in excess of twenty points (which shall mean 0.20 of one per cent) on goods that are guaranteed two per cent potash; thirty points (which shall mean 0.30 of one per cent) on goods guaranteed three per cent of potash; forty points (which shall mean 0.40 of one

Deficiency of  
available  
Potash.

per cent) on goods guaranteed four per cent; fifty points (which shall mean 0.50 of one per cent) on goods that are guaranteed four per cent up to and including eight per cent; and sixty points (which shall mean 0.60 of one per cent) on goods guaranteed from nine per cent to twenty per cent; and one hundred points (which shall mean 1.00 per cent) on goods guaranteed over twenty per cent.

Deficiency of  
Chlorine.

(f) Chlorine: If the chlorine content of any lot of fertilizer branded for tobacco shall exceed the maximum amount guaranteed by more than five-tenths (0.5) per cent, a penalty shall be assessed equal to ten per cent of the value of the fertilizer for each additional five-tenths (0.5) per cent of excess or fraction thereof.

Variation in  
basicity or acidity  
of Calcium  
Carbonate.

(g) Should the basicity or acidity as equivalent of calcium carbonate of any sample of fertilizer be found upon analysis to differ more than five per cent (or one hundred pounds calcium carbonate equivalent per ton) from the guarantee, then a penalty of fifty cents per ton for each fifty pounds calcium carbonate equivalent, or fraction thereof in excess of the one hundred pounds allowed, may be assessed and paid as under paragraph (a) of this section.

Deficiency of  
Calcium Oxide.

(h) Calcium Oxide: If the calcium oxide content guaranteed falls as much as one per cent below the minimum amount guaranteed, a penalty of fifty cents per ton for each additional one-half unit or fraction thereof shall be assessed.

Deficiency of  
Magnesium  
Oxide.

(i) Magnesium Oxide: If the magnesium oxide content falls as much as five-tenths (0.5) per cent below the minimum amount guaranteed, a penalty of fifty cents per ton shall be assessed for each additional one-fourth per cent deficiency or fraction thereof.

Deficiency of  
Sulphur.

(j) Sulphur: If the sulphur content is found to be as much as one and one-half per cent below the minimum amount guaranteed in the case of all mixed fertilizers, including mixed fertilizers branded for tobacco, a penalty of fifty cents per ton for each additional one-half unit or fraction thereof, shall be assessed; and in the case of mixed fertilizers branded for tobacco, if the maximum sulphur content shall exceed the guarantee by more than one and one-half per cent, a penalty of fifty cents per ton for each additional one-half unit or fraction thereof, shall be assessed.

Deficiency of  
Water Insoluble  
Nitrogen.

(k) Water Insoluble Nitrogen: A penalty of three times the value of the deficiency shall be assessed, if the deficiency shall exceed ten points (which shall mean 0.10 of one per cent) for goods guaranteed up to and including fifty-hundredths per cent (0.50%); twenty points (which shall mean 0.20 of one per cent) for goods guaranteed from five-tenths per cent

to one per cent; thirty points (which shall mean 0.30 of one per cent) for goods guaranteed from one per cent to two per cent; and fifty points (which shall mean 0.50 of one per cent) for goods guaranteed above two per cent and up to and including five per cent and 100 points (which shall mean 1.00 per cent) tolerance above five per cent.

(l) Nitrate Nitrogen: A penalty of three times the value of the deficiency shall be assessed if the deficiency shall exceed ten points (0.10 of one per cent) for goods guaranteed up to and including five-tenths (0.50 per cent); fifteen points (0.15 of one per cent) for goods guaranteed from five-tenths (0.50 per cent) to one (1) per cent; twenty-five points (0.25 of one per cent) for goods guaranteed from one (1) per cent to two (2) per cent and thirty-five points (0.35 of one per cent) for goods guaranteed above two (2) per cent.

Deficiency of  
Nitrate  
Nitrogen.

(m) Additional Plant Foods: If any additional plant foods, elements or compounds are guaranteed, tolerances and penalties for same shall be set up by the commissioner.

Deficiency of  
additional plant  
foods guaranteed.

(n) All penalties assessed under this section shall be paid to the consumer of the lot of fertilizer represented by the sample analyzed within three months from date of notice by the commissioner to the manufacturer, dealer or agent, receipts taken therefor, and promptly forwarded to the Commissioner of Agriculture: Provided, that penalties shall not be assessed for both deficiency in total value and deficiencies in individual ingredients, but whichever shall be determined to be the greater shall be assessed. If said consumers can not be found, the amount of penalty assessed shall be paid to the Commissioner of Agriculture who shall deposit the same into the Department of Agriculture fund, of which the State Treasurer is custodian. Such sums as shall thereafter be found to be payable to consumers on lots of fertilizer against which said penalties were assessed shall be paid from said fund on order of the Commissioner of Agriculture, and may be used by the Commissioner of Agriculture as he may see fit for the purposes of promoting the agricultural program of the State.

Penalties payable  
to consumer.

Payment to  
Commissioner of  
Agriculture,  
when consumer  
not found.

Disposition of  
funds by  
Commissioner.

### SEC. 13. COMMERCIAL VALUE.

The approximate retail value per pound and per unit of the various ingredients of mixed fertilizers and fertilizer materials, namely: Nitrogen, phosphoric acid and potash, may be computed by the commissioner and be used to establish the relative value of the mixed fertilizers and fertilizer materials sold or offered for sale in this State. The commissioner is authorized to furnish such relative values to any persons engaged in the manufacture or sale of mixed fertilizers or fertilizer materials

Computation of  
commercial value  
of mixed fer-  
tilizers, etc.

Relative values  
furnished to  
manufacturers,  
etc.



Publication.

in this State upon application and to publish the same under the provisions of Section twenty.

#### SEC. 14. MINIMUM PLANT FOOD CONTENT.

Minimum plant food content.

No superphosphate, no fertilizer with a guarantee of two plant food ingredients, or no complete mixed fertilizer shall be sold or offered for sale for fertilizer purposes within this State which contains less than fourteen per cent of plant food (total nitrogen—available phosphoric acid—potash). This shall not apply to natural animal or vegetable products not mixed with other materials.

Branding of low grade fertilizers.

Any mixed fertilizer containing two plant food ingredients, or any mixed fertilizer containing less than sixteen units of plant food (total nitrogen—available phosphoric acid—potash) shall be branded 'low grade' and shall carry a 'Red Tag' reading as follows:

'THIS IS A LOW GRADE FERTILIZER.

Wording required on Red Tags, branding low grades.

It costs too much per unit of nitrogen—available phosphoric acid and potash because it contains only fourteen or fifteen units (whichever the case may be) of these plant foods. You are paying too much for bagging, freight, labor, etc. on too much inert material.'

#### SEC. 15. FILLERS.

Manufacture, etc., of fertilizer containing injurious fillers, prohibited.

It shall be unlawful for any person to manufacture, offer for sale or sell in this State any mixed fertilizer or fertilizer material containing any substance used as a filler that is injurious to crop growth or deleterious to the soil, or to use in such mixed fertilizer or fertilizer materials as a filler any substance that contains inert plant food material or any other substance for the purpose or with the effect of deceiving or defrauding the purchaser.

#### SEC. 16. MATERIALS CONTAINING UNAVAILABLE PLANT FOOD.

Manufacture, etc., of materials containing unavailable plant food.

(a) It shall be unlawful for any person to offer for sale or to sell in this State for fertilizer purposes any raw or untreated leather, hair, wool waste, hoof, horn, rubber or similar nitrogenous materials, the plant food content of which is largely unavailable, either as such or mixed with other fertilizer materials.

Application of Section.

(b) This section shall not apply to the substances mentioned in paragraph (a) when they have been treated or processed in such manner as to make available the plant food constituents contained therein.



## SEC. 17. DECEPTION AND FRAUD.

It shall be unlawful for any person to make any false or misleading representation in regard to any mixed fertilizer or fertilizer material shipped, sold or offered for sale by him in this State, or to use any misleading or deceptive trade mark or brand name in connection therewith. The commissioner is hereby authorized to refuse registration for any mixed fertilizer or fertilizer material with respect to which this section is violated. The sale or offer for sale of any mixture of nitrogenous fertilizer materials under a name or other designation descriptive of only one of the components of the mixture shall be considered deceptive or fraudulent.

Deceptive and fraudulent practices made unlawful.

## SEC. 18. SALES OF MATERIALS TO CONSUMERS.

Nothing in this Act shall abridge the right of a consumer of mixed fertilizer or fertilizer materials to buy materials from any manufacturer or dealer for his own use and not for resale, provided the tonnage tax has been paid thereon, if subject thereto, and that the provisions of this Act otherwise in respect to such materials have been complied with.

Purchase of materials by consumer for own use.

## SEC. 19. REPORTS OF SHIPMENTS.

It is required of each person registering mixed fertilizers and fertilizer materials under this Act that he furnish the commissioner with a written statement of the tonnage of each grade of fertilizer sold by him in this State. Said statement shall include all sales for the periods of January first to and including June thirtieth and of July first to and including December thirty-first of each year. The commissioner may, in his discretion, either invoke a penalty on, or cancel the registration of, any person failing to comply with this section if the above statement is not made within thirty days from date of notification. The commissioner, however, in his discretion, may grant a reasonable extension of time.

Reports of shipments.

Penalty for failure of compliance.

## SEC. 20. PUBLICATIONS.

The commissioner is authorized to publish at such time and in such form as he may deem proper information concerning the production and use of mixed fertilizers and fertilizer materials, and shall publish an annual report which shall contain a statement of money received and expended from the sale of tax tags and appropriately classified statistics of fertilizer sales in this State. Reports of the department chemists' findings based on official samples of mixed fertilizer or fertilizer material sold within the State as compared with the guaranteed analyses registered under Sections four and five shall be published by the commissioner as promptly as possible after the completion of analyses, or at least annually.

Publication of information reports by Commissioner.

## SEC. 21. REGULATIONS.

Adoption of regulations.

The Board of Agriculture by and with agreement of the Director of the North Carolina Experiment Station is empowered to adopt from time to time grades of mixed fertilizer which shall be sold in this State: Provided, the number of grades shall not be less than thirty-five or in excess of fifty grades, and to issue rules, regulations and set standards as may be necessary for the enforcement of this Act.

## SEC. 22. MISDEMEANORS.

Certain offenses made misdemeanors.

Each of the following offenses shall be a misdemeanor and any person upon conviction thereof shall be punished as provided by law for the punishment of misdemeanors:

Violation of Sections 15, 16 (a), 17.

(a) The violation of any one of the following provisions of this Act: Section fifteen; paragraph (a) of Section sixteen; and Section seventeen.

Filing false statements.

(b) The filing with the commissioner of any false statement of fact in connection with the registration under Section four of any mixed fertilizer or fertilizer material.

Obstructing Commissioner in performance of duties.

(c) Forcibly obstructing the commissioner or any official inspector authorized by the commissioner in the lawful performance by him of his duties in the administration of this Act.

Taking or submitting false samples.

(d) Knowingly taking a false sample of mixed fertilizer or fertilizer material for use under any provision of this Act; or knowingly submitting to the commissioner for analysis a false sample thereof; or making to any person any false representation with regard to any mixed fertilizer or fertilizer material sold or offered for sale in this State for the purpose of deceiving or defrauding such other person.

Fraudulent tampering with lots of mixed fertilizer, etc.

(e) The fraudulent tampering with any lot of mixed fertilizer or fertilizer material so that as a result thereof any sample of such mixed fertilizer or fertilizer material taken and submitted for analysis under this Act may not correctly represent the lot; or tampering with any sample taken or submitted for analysis under this Act, if done prior to such analysis and disposition of the sample under the direction of the commissioner.

Making wilfully false analysis reports by chemists.

(f) The delivery to any person by the fertilizer chemist or his assistants or other employees of the commissioner of a report that is wilfully false and misleading on any analysis of mixed fertilizer or fertilizer material made by the department in connection with the administration of this Act.

(g) Selling or offering for sale in this State mixed fertilizer or fertilizer material without marking the same as required by Section five of this Act.

Selling, etc., of mixed fertilizer in violation of Section 5.

(h) Selling or offering for sale in this State mixed fertilizer or fertilizer material containing less than the minimum content required by Section fourteen of this Act.

Selling, etc., of mixed fertilizer with less than minimum content required by Sec. 14.

(i) Violating any of the provisions of Sections sixteen or seventeen of this Act.

Violation of Sections 16 or 17.

# SEC. 23. PENALTIES FOR UNAUTHORIZED SALE, SALE WITHOUT TAX TAGS, AND MISUSE OF TAX TAGS.

(a) Forfeiture for Unauthorized Sale, Release from Forfeiture. All fertilizers and fertilizer materials sold or offered for sale contrary to the provisions of this Act as stated in paragraphs (a), (b), and (e) of Section four, and (a), (b), (c), (d), (e) and (g) of Section five and Section six shall be subject to seizure, condemnation, and sale by the commissioner. The net proceeds of such sale shall be placed to the credit of the State Treasurer for the use of the Department of Agriculture. The commissioner, however, may, in his discretion, release the fertilizers so seized and condemned upon payment of the required tax or charge, a fine of ten dollars (\$10.00), and all costs and expenses incurred by the department in any proceedings connected with such seizure and condemnation, and upon compliance with all other requirements of this Act.

Fertilizers unlawfully offered for sale, subject to seizure, condemnation and sale.

Use of sale proceeds.

Release of fertilizers seized.

(b) Method of Seizure and Sale of Forfeiture. Such seizure and sale shall be made under the direction of the commissioner by any officer or agent of the department. The sale shall be made at the courthouse door in the county in which seizure is made, after thirty days advertisement in some newspaper published in such county, or if no newspaper is published in such county, then by like advertisement in a newspaper published in the nearest county thereto having a newspaper. The advertisement shall state the brand name or name of the goods, the quantity, and why seized and offered for sale.

Method of seizure and sale.

(c) Sale Without Tag; Misuse of Tag; Penalty; Forfeiture. Every merchant, trader, manufacturer, broker, or agent who shall sell or offer for sale any mixed fertilizer or fertilizer material without having attached thereto such tags as are required by paragraphs (a) and (c) of Section seven, or who shall use the required tags a second time to avoid the payment of the tonnage charge, and every person who shall aid in the fraudulent selling or offering for sale of any such fertilizer, shall be liable to a penalty of the price paid the manufacturer for each separate bag, barrel, or package sold, or

Penalties for sale without tag; misuse of tag.

Analysis of  
condemned  
fertilizers.

True labelling.

Violation of this  
Section made  
misdemeanor.

Deficiencies of  
weight made  
good.

Sales and  
exchanges be-  
tween manu-  
facturers, etc.

Partial invalid-  
ity section.

Conflicting laws  
repealed.

offered for sale, or removed, said penalty to be recovered by the commissioner by suit brought in the name of the State, and any amount so recovered shall be paid, one-half to the informer and one-half to the State Treasurer for the use of the Department of Agriculture. If any such fertilizer shall be condemned as provided by law, it shall be the duty of the commissioner to have an analysis made of the same and cause printed tags or labels expressing the true chemical ingredients thereof to be put upon each bag, barrel, or package, and fix the commercial value at which it may be sold. It shall be unlawful for any person to sell or offer for sale or remove any such fertilizer, or for agent of any railroad or other transportation company to deliver any such fertilizer in violation of this section. Any person who shall sell or offer for sale or remove any fertilizer in violation of the provisions of this section shall be guilty of a misdemeanor.

(d) Any fertilizer which is found by an inspector of the Department of Agriculture to be short in weight, the manufacturer of said fertilizer shall within five days of official notice from the Department of Agriculture make good such deficiency and pay to the consumer a penalty equal to four times the value of the actual shortage. The commissioner in his discretion may allow reasonable tolerances for short weight not due to loss through handling and transporting.

SEC. 24. Nothing in this Act shall be construed to restrict or avoid sales or exchanges of fertilizer or fertilizer materials to each other by importers, manufacturers or manipulators who mix fertilizer materials for sale, or as preventing the free and unrestricted shipments of fertilizers or fertilizer materials to manufacturers or manipulators who have registered their brands as required by the provisions of this Act.

#### SEC. 25. CONSTITUTIONALITY.

That if any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### SEC. 26. REPEAL.

That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed."

## SEC. 2. EFFECTIVE DATE.

That this Act shall be in full force and effect from and after the first day of December, one thousand nine hundred and forty-one. Effective date.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 125

## CHAPTER 369

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SEVENTY OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND FIFTEEN, RELATING TO THE PRACTICE OF ARCHITECTURE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four of Chapter two hundred and seventy of the Public Laws of North Carolina, Session of one thousand nine hundred and fifteen, be and the same is hereby amended by inserting after the comma, following the word "architect" in line three of said section, the following: "or practice architecture as herein defined,". Sec. 4, Ch. 270, Public Laws, 1915, amended, as to acts punishable under law.

SEC. 2. That Section four of Chapter two hundred and seventy of the Public Laws of North Carolina, Session of one thousand nine hundred and fifteen, be and the same is hereby amended by adding a colon after the word "themselves" in line seven of said section, and by striking out in lines seven and eight therein the following language: "or other persons, if the persons so furnishing such plans or data shall not hold himself out as an architect" and by inserting in lieu thereof the following: "Provided, further, that nothing in this Act shall prevent any person from selling or furnishing plans for the construction of residence or farm or commercial buildings of a value not exceeding fifteen thousand dollars; provided, further, that nothing in this Act shall prevent any registered engineer duly licensed in this State from furnishing design or supervision services for plants or structures which are elements of engineering projects or utilities." Sec. 4, amended further, as to application of act regulating practice of architecture.

SEC. 3. That Section nine of said Chapter two hundred and seventy of the Public Laws of North Carolina, Session of one thousand nine hundred and fifteen, be and the same is hereby amended by striking out all of said Section nine of said chapter and inserting in lieu thereof the following: "9. For the purpose of this Act, the practice of architecture consists of rendering or offering to render for compensation design and/or related supervision services, of an aesthetic and/or structural nature, Sec. 9, amended, as to definition of practice of architecture.



for the construction of buildings, structures or projects, wherein the safeguarding of life, health, and property and the promotion of the public welfare may be involved. An architect is a person who practices architecture as herein defined; provided that nothing herein shall prevent a building contractor from drafting designs and plans without compensation for use by him in constructing or repairing buildings for the owner."

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. B. 149

## CHAPTER 370

### AN ACT TO PROVIDE BETTER EDUCATIONAL ADVANTAGES FOR MEMBERS OF THE INDIAN RACE IN EASTERN NORTH CAROLINA NOT OTHERWISE PROVIDED FOR.

Preamble:  
Lack of higher educational advantages for certain Indians.

WHEREAS, there are no provisions now made by the State for the education of certain Indian children of Eastern North Carolina beyond the high school grades; and

Indian schools in certain counties.

WHEREAS, there are Indian schools in the Counties of Sampson, Hoke, Scotland, Cumberland, Bladen, Person, and Harnett; and

No place provided by State for higher education.

WHEREAS, the Indian children enrolled in these schools have no place provided by the State to pursue their education beyond the eleventh grade and in some instances not even past the elementary grades; and

Ample provisions for higher education, other races.

WHEREAS, ample provisions have been provided by the State for higher education and teacher training of the other races; and

Better educational advantages for Indian children, desired.

WHEREAS, it is the desire of the department of education that better educational advantages be provided for the Indian children, including courses of instruction in teacher training and vocational education in order that equal justice under the Constitution may be done toward these people: Now, therefore,

*The General Assembly of North Carolina do enact:*

Establishment of vocational and normal school for Indians.

SECTION 1. That the State Board of Education be, and it is hereby, authorized and empowered to establish a vocational and normal school at any place it may deem most suitable

for teaching and training the young Indian men and women not otherwise provided for.

SEC. 2. That in said vocational and normal school so created there shall be provided such courses of instruction in vocational education, teacher training and higher education as the State Board of Education and the State Superintendent of Public Instruction may deem necessary and proper in order to furnish said Indians the necessary and proper educational facilities. A preparatory department may be established in connection with any such school, and the said State Board of Education shall have the power and authority to remove or close any such school established under the authority contained in this Act.

Courses of instruction.

Preparatory department.

Removing or closing school.

SEC. 3. That the Governor of the State of North Carolina shall have the power to appoint a board of six trustees for any school created under the provisions of this Act, which board shall have the general management of such school and such other powers for the management thereof as are not vested in the State Board of Education or the State Superintendent. In addition to the six members above provided for, the State Superintendent of Public Instruction shall be ex officio a member of said board of trustees and chairman thereof.

Appointment of Board of Trustees.

Powers.

State Superintendent of Public Instruction, ex-officio member.

Two members of the board of trustees shall be appointed for a term of two years, two for four years, and two for six years, and thereafter, as vacancies occur by the expiration of the term of office of each, his successor shall be appointed for a term of six years. Vacancies occurring by resignation or death, or otherwise, of any member of said board of trustees before the expiration of his term of office, shall be filled by the Governor for the unexpired term. The original appointments shall be made by the Governor in the month of May, one thousand nine hundred and forty-one. The members of the board of trustees shall receive no compensation for their services other than actual expenses while attending meetings of the board.

Terms.

Vacancy appointments.

Time of appointments.

Compensation.

The board of trustees shall elect one of its members as secretary. Said board shall have the power, subject to the approval of the State Superintendent of Public Instruction, to elect the teachers who shall teach in any such school.

Election of Secretary.

Election of teachers.

SEC. 4. That all disbursements, including disbursements for salaries and other expenses, shall be disbursed and expended under the terms of the Executive Budget Act.

Disbursement of funds for expenses.

SEC. 5. The State Board of Education shall elect a superintendent of any school established under the provisions of this Act, and fix his salary. His duties shall be outlined by the State

Election of Superintendent.

Salary.

## Duties.

Board of Education and he shall perform such other duties in the educational department of the State as the State Superintendent of Public Instruction may direct. His salary and expenses shall be paid out of the annual appropriation hereinafter provided for upon the requisition of the State Superintendent of Public Instruction.

## Payment of salary and expenses.

## Appropriation of funds for establishment, and operation of school during biennium.

SEC. 6. That for the purpose of establishing and operating a vocational and normal school within the meaning of this Act, the Governor and the State Board of Education after a thorough investigation if in their opinion such an institution is needed are authorized to expend from the contingency and emergency fund a sum not to exceed ten thousand (\$10,000.00) dollars for the first year and five thousand (\$5,000.00) dollars for the second year of the biennium one thousand nine hundred and forty-one - one thousand nine hundred and forty-three.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. B. 184

## CHAPTER 371

AN ACT TO PROVIDE FOR THE PROTECTION OF THE PUBLIC BY REGULATION OF AUCTION SALES OF ARTICLES CONTAINING HIDDEN VALUE.

*The General Assembly of North Carolina do enact:*

## Application of Act.

SECTION 1. The provisions of this Act shall relate to all persons, firms and corporations who shall sell or offer to sell any of the goods, wares and merchandise hereinafter enumerated by means of auction sale of same conducted either by themselves or licensed auctioneers, except that it shall not apply to receivers, trustees in bankruptcy, trustees acting under a bona fide mortgage or deed of trust, trustees acting under the provisions of a will, any person acting under orders of any court, or to administrators or to executors while acting as such or to the bona fide holder of an article pledged to secure a debt.

## Sale of certain articles at auction in violation of Act, prohibited.

SEC. 2. It shall be unlawful for any person, firm or corporation to offer for sale or sell to the highest bidder at an auction sale furs, objects of art, artware, glassware, silver plated ware, chinaware, gold, silver, precious or semi-precious stones, jewelry, watches, clocks, or gems of any kind, except as hereafter provided.

## Licensing of auction merchants.

SEC. 3. Before selling or offering for sale any of the articles hereinabove mentioned, the person, firm or corporation which is to conduct such auction sale shall apply to and obtain from

the Revenue Department of the State of North Carolina a license or permit to engage in the activity covered by this Act and pay therefor to the Commissioner of Revenue the sum of two hundred dollars (\$200.00) for such license or permit. The license or permit issued by the Revenue Department shall entitle the person, firm or corporation named therein to conduct the auction sale as provided in this Act in one county, and upon payment of one half of the fee for each additional county, such person, firm or corporation shall have authority to conduct auction sales in additional counties for which the tax has been paid. No person or copartnership shall receive any license or permit to conduct any such sale unless such person or a member of the copartnership is and has been for a period of one year prior to the issuance of the permit a resident of the State of North Carolina and is and has been for a period of six months prior thereto a resident of one of the counties for which he seeks permit, and no corporation shall receive a license or permit to conduct such sale unless such corporation is either a domestic corporation of the State of North Carolina or a foreign corporation which has complied with all requirements of the State of North Carolina and domesticated in North Carolina.

License fees.

Qualifications for license.

SEC. 4. Before any person, firm or corporation shall offer for sale or sell at public auction any of the goods hereinabove described such person, firm or corporation shall obtain the permit provided in Section three hereof and shall file with the Commissioner of Revenue a good and sufficient bond in the penal sum of five thousand dollars (\$5,000.00), executed by a corporate surety licensed to do business in North Carolina or by two individual sureties who own real property in the State of North Carolina of a net value of twice the amount of such bond and who shall have justified on such bond before the clerk of the Superior Court of the county in which such individual sureties reside. Said bond shall be kept in full force and effect during the period for which such license is issued and for a period of one year thereafter. The conditions of said bond are to provide that the surety or sureties are irrevocably appointed as process agents on whom any process issued against the person, firm or corporation conducting such sale may be served, and shall further provide that the person, firm or corporation conducting said sale will pay all valid judgments secured against such person, firm or corporation on causes of action arising out of such sales by auction.

Bond prerequisite for license.

Penal amount. Sureties.

Continuance of bond.

Conditions of bond.

SEC. 5. An auctioneer duly licensed as such by the State of North Carolina shall be present and in charge of any such auction sale.

Conduct of sales by licensed auctioneer, required.



Regulation of bidding at sales.

Fictitious bidding, prohibited.

Written description of articles purchased, furnished to purchaser, upon demand.

Contents.

Legal effect of statement.

Sale rescinded at purchaser's option, upon refusal to furnish statement.

Notice of purchaser's rights, posted.

Application of N. C. Fair Trade Act.

Presence of merchant, in person or by agent with written authority, at sales, required.

Responsibility for auctioneer's acts.

All statements in advertisements, deemed representations inducing purchases.

Purchaser's rights, when merchandise not as advertised.

SEC. 6. At any such auction sale, no person interested either directly or indirectly as seller, and no person employed by any person interested either directly or indirectly as seller, shall bid on any articles offered for sale, and no person shall act as a fictitious bidder, or what is commonly known as a "capper," "booster," "by-bidder" or "shiller," and no person shall bid or offer to bid or pretend to buy an article sold or offered for sale at any such auction by prearranged agreement with any person interested in the sale directly or indirectly as seller.

SEC. 7. At any such auction sale any person who shall purchase any article may have the right to demand of the person, firm or corporation conducting such sale, at the time the sale is made or within forty-eight hours thereafter, a written description of the merchandise so purchased, which description shall be accurate and full, and shall give the name of the manufacturer or producer of such merchandise, if known; shall state whether the merchandise is an original, a copy, a reproduction, new or used, genuine or artificial, and shall also incorporate all representations made to induce persons to bid on such merchandise; such statement shall be deemed to be the representations upon which the merchandise is purchased, and upon a refusal to give such statement as herein provided, the sale may, at the option of the purchaser, be rescinded, in which event the purchaser shall have the privilege of demanding a return of all sums paid on account of such purchase. A notice of the right of a purchaser to demand such a statement shall be conspicuously displayed in each room where such auction shall take place.

SEC. 8. No sale shall be made at such auction sales which shall violate the provisions of the North Carolina Fair Trade Act.

SEC. 9. At all sales by auction conducted under the provisions of this Act, the person, firm or corporation conducting such sale shall be present at all times in person or by an agent duly authorized in writing to represent such person, firm or corporation, and the person, firm or corporation conducting such sale shall be responsible for acts done and words spoken by the auctioneer or his assistants in furthering the sales by auction.

SEC. 10. At all such auction sales, all statements contained in the advertising of such sales shall be considered and deemed representations inducing purchasers to bid on and buy the merchandise advertised, and in the event any such merchandise shall not be as advertised, the purchaser thereof shall, at his option, be entitled to rescind such sale and have the right, upon such rescission, to demand and receive any sums paid by him on account of such purchase.



SEC. 11. No person, firm or corporation conducting any such sale shall advertise any merchandise falsely or fraudulently, either by word of mouth, written or published advertisement, or other forms of advertisement, nor shall any such person, firm or corporation permit any article to be displayed or offered for sale which shall be falsely tagged, labeled or branded.

False and fraudulent advertising, labelling, etc., prohibited.

SEC. 12. No person, firm or corporation conducting any such sale shall allow or permit any false statement to be made by any person connected with such sale, either directly or indirectly, as seller, as to the value of any such merchandise being sold or as to the cost to the seller of any such merchandise being sold.

False statements as to value or cost to seller, prohibited.

SEC. 13. The provisions of this Act shall apply to the person, firm or corporation conducting such sale, whether such person, firm or corporation is the owner of the merchandise being sold, or selling such merchandise for others.

Application of Act to agents conducting sale, as well as to principal.

SEC. 14. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars, or imprisoned for not more than six months, or both, in the discretion of the court, and shall be permanently enjoined from thereafter participating in the conducting of any such auction sale, either directly or indirectly.

Violation of Act made misdemeanor.

Punishment.

SEC. 15. That nothing in this Act shall be construed as preventing church and civic organizations from holding auction sales of antiques for charitable purposes.

Church and civic organizations not prevented from holding auctions.

SEC. 16. All laws or clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 17. If any clause, sentence, paragraph or section, or any part of this Act, for any reason, shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Act, but shall be confined in its operation to the clause, sentence, paragraph, section or subsection, or part thereof, directly involved in such judgment.

Partial invalidity section.

SEC. 18. It is the purpose of this Act to provide for the protection of the public in purchasing articles containing a hidden value, which is not and cannot be determined except by persons having special knowledge thereof, when such articles are sold at public auction, where there is not ample time for deliberation and appraisal of such merchandise, and where the purchaser, by reason of the manner of sale, of necessity must rely principally upon the representations made by the seller as to the value of said merchandise.

Purpose of Act.

Rights and privileges conferred by Act additional to rights, etc. under other laws.

SEC. 19. The rights and privileges herein granted to any purchaser shall be in addition to all other rights, privileges or remedies which such purchaser might otherwise have under the laws of North Carolina, and the provisions of this Act shall not be deemed to deprive any such purchaser of any rights or remedies which he otherwise would have had.

SEC. 20. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. B. 291

CHAPTER 372

AN ACT TO PROVIDE FOR THE REGULATION OF AERONAUTICS WITHIN NORTH CAROLINA.

DECLARATION OF POLICY

Declaration of State policy as to aeronautics.

That it is hereby declared to be the policy of the Legislature to foster sound economic conditions for the aeronautic industry; promote adequate, but reasonable, regulation; improve, develop, and preserve a system adapted to the needs of the State; and coordinate our efforts for safety and efficiency of service with the Civil Aeronautics Administration of the Federal Government; and to that end

*The General Assembly of North Carolina do enact:*

Appointment of Commission to study aeronautic industry in State.

Report.

Chairman.

Secretary, employees, authorized.

Organization of Commission.

Hearings.

Publication of notice of hearings.

Notice to C. A. A.

SECTION 1. That on or before July first, one thousand nine hundred and forty-one, the Governor is hereby authorized to appoint a commission of five members to study the aeronautic industry in this State and report its findings and recommendations to the Governor to be transmitted by him to the next meeting of the General Assembly. The Governor shall designate one member as chairman, and may authorize said board to employ a secretary and such other employees as may be necessary in his discretion.

SEC. 2. That it shall be the duty of said commission to meet in the City of Raleigh within thirty days after its appointment for the purpose of organization. The commission shall hold hearings in not less than five localities in the State, two in the coastal area, two in the central and Piedmont, and one in the western area. Notice of such hearings shall be published in the State press at least once ten days prior to such hearings, posted at commercial airports in the State, and written notice shall be served upon the Civil Aeronautics Administration of the United States.

SEC. 3. It shall be the duty of said commission to include in its deliberations a study of airports, landing fields, landing strips (both on land and water) air schools, flying clubs, air beacons and all other air navigation equipment and air transportation facilities and recommend regulations for the control of such industry and facilities in accordance with the policy herein declared, and fees and charges to defray the expense incident thereto.

Scope of study.

SEC. 4. The members of said commission shall receive for their services a per diem of seven dollars (\$7.00) per day while actually engaged in the hearings provided for herein, and employees shall receive such compensation as the Governor may determine to be paid from the general fund.

Compensation of Commissioners.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 73

## CHAPTER 373

AN ACT TO PREVENT THE IMPORTATION INTO NORTH CAROLINA OF ANY HOG INFECTED WITH HOG CHOLERA OR OTHER CONTAGIOUS OR INFECTIOUS HOG DISEASE OR WHICH COMES FROM A STATE OR TERRITORY IN WHICH HOG CHOLERA OR OTHER CONTAGIOUS OR INFECTIOUS HOG DISEASE IS PREVALENT.

*The General Assembly of North Carolina do enact:*

SECTION 1. To prevent the spread of hog cholera or other contagious or infectious hog disease in the State of North Carolina, it is hereby declared to be unlawful to transport or import, into this State any hog from any other state or territory for any purpose whatsoever, any hog except upon the certificate of a duly licensed practicing veterinarian in the county or corresponding territorial district where the shipment originated that such hog is not infected with cholera or other contagious or infectious hog disease and is not transported or imported from a locality in which hog cholera or other contagious or infectious hog disease is prevalent; that said certificate shall be issued within ten days prior to inspection: Provided, this Act shall not apply to hogs brought into this State for immediate delivery to recognized slaughter houses intended for immediate slaughter and hogs destined to public livestock markets

Regulation of transportation or importing of hogs into State.

Veterinarian's certificate that hog not infected with disease, etc., required.

Time of issuance of certificate.

Act not applicable to hogs shipped for certain purposes.

Burden of proving inapplicability.

operating under the supervision of the Department of Agriculture, but the burden shall be on the person transporting said hogs to prove the fact that such hogs are so destined: Provided, further, that the presentation of a way bill of lading on any shipment of hogs being transported by a common carrier shall satisfy this burden.

Veterinarian's certificate subject to inspection by police officers, etc.

SEC. 2. Until delivery of any such hog, the owner or agent in charge shall at all times have in his possession said certificate of the licensed veterinarian and, upon request, he shall produce it for inspection by any police officer or inspection agent of this State or any county thereof.

Burial of hogs dying in transit.

SEC. 3. It shall be the duty of any owner or agent having in charge any hog being transported or imported, into this State who shall, before delivery, lose a hog by any form of natural or unnatural death to have the same buried in the earth to a depth of at least two feet within twelve hours after the death of said hog.

Duty of County Commissioners of each county to provide for inspections.

SEC. 4. It shall be the duty of the county commissioners of each county of the State of North Carolina to provide sufficient and adequate inspection of hogs transported or imported into said county from any other state or territory, and to examine into the authenticity and sufficiency of the certificate of the veterinarian, and to refuse admittance into the county of any hog not certified as provided by this Act.

Violation of Act made misdemeanor.

SEC. 5. Any person violating the provisions of this Act shall be guilty of a misdemeanor.

Effect of Act on C. S., Ch. 84, Art. 15.

SEC. 6. This Act shall not repeal Article fifteen, Chapter eighty-four, Volume two, of the Consolidated Statutes of one thousand nine hundred and nineteen, but shall be complementary thereto.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 320

## CHAPTER 374

## AN ACT TO MAKE UNIFORM THE LAWS OF PARTNERSHIP.

*The General Assembly of North Carolina do enact:*

## PART I.

## PRELIMINARY PROVISIONS

SECTION 1. Name of Act. This Act may be cited as Uniform Partnership Act. Short Title.

SEC. 2. Definition of Terms. In this Act, "Court" includes every court and judge having jurisdiction in the case. Definitions: "Court."

"Business" includes every trade, occupation, or profession. "Business."

"Person" includes individuals, partnerships, corporations, and other associations. "Person."

"Bankrupt" includes bankrupt under the Federal Bankruptcy Act or insolvent under any State insolvent Act. "Bankrupt."

"Conveyance" includes every assignment, lease, mortgage, or encumbrance. "Conveyance."

"Real property" includes land and any interest or estate in land. "Real property."

SEC. 3. Interpretation of Knowledge and Notice. (1) A person has "knowledge" of a fact within the meaning of this Act not only when he has actual knowledge thereof, but also when he has knowledge of such other facts as in the circumstances show bad faith. "Knowledge."

(2) A person has "notice" of a fact within the meaning of this Act when the person who claims the benefit of the notice: "Notice."

(A) states the fact to such person, or

(B) delivers through the mail, or by other means of communication a written statement of the fact to such person or to a proper person at his place of business or residence.

SEC. 4. Rules of Construction. (1) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this Act. Rules of Construction.

(2) The law of estoppel shall apply under this Act.

(3) The law of agency shall apply under this Act.

(4) This Act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.



(5) This Act shall not be construed so as to impair the obligations of any contract existing when the Act goes into effect, nor to affect any action or proceedings begun or right accrued before this Act takes effect.

Rules for cases  
not provided for  
by Act.

SEC. 5. Rules for Cases not Provided for in this Act. In any case not provided for in this Act the rules of law and equity, including the law merchant, shall govern.

## PART II.

### NATURE OF A PARTNERSHIP

Partnership  
defined.

SEC. 6. Partnership Defined. (1) A partnership is an association of two or more persons to carry on as co-owners a business for profit.

(2) But any association formed under any other statute of this State, or any statute adopted by authority, other than the authority of this State, is not a partnership under this Act, unless such association would have been a partnership in this State prior to the adoption of this Act; but this Act shall apply to limited partnerships except in so far as the statutes relating to such partnerships are inconsistent herewith.

Rules for deter-  
mining existence  
of partnership.

SEC. 7. Rules for Determining the Existence of a Partnership. In determining whether a partnership exists, these rules shall apply:

(1) Except as provided by Section sixteen persons who are not partners as to each other are not partners as to third persons.

(2) Joint tenancy, tenancy in common, tenancy by the entireties, joint property, common property, or part ownership does not of itself establish a partnership, whether such co-owners do or do not share any profits made by the use of the property.

(3) The sharing of gross returns does not of itself establish a partnership, whether or not the persons sharing them have a joint or common right or interest in any property from which the returns are derived.

(4) The receipt by a person of a share of the profits of a business is prima facie evidence that he is a partner in the business, but no such inference shall be drawn if such profits were received in payment:

(a) as a debt by installments or otherwise,

(b) as wages of an employee or rent to a landlord,

(c) as an annuity to a widow or representative of a deceased partner,

(d) as interest on a loan, though the amount of payment vary with the profits of the business,

(e) as the consideration for the sale of a goodwill of a business or other property by installments or otherwise.

SEC. 8. Partnership Property. (1) All property originally brought into the partnership stock or subsequently acquired by purchase or otherwise, on account of the partnership, is partnership property.

(2) Unless the contrary intention appears, property acquired with partnership funds is partnership property.

(3) Any estate in real property may be acquired in the partnership name. Title so acquired can be conveyed only in the partnership name.

(4) A conveyance to a partnership in the partnership name, though without words of inheritance, passes the entire estate of the grantor unless a contrary intent appears.

### PART III.

#### RELATIONS OF PARTNERS TO PERSONS DEALING WITH THE PARTNERSHIP

SEC. 9. Partner Agent of Partnership as to Partnership Business. (1) Every partner is an agent of the partnership for the purpose of its business, and the act of every partner, including the execution in the partnership name of any instrument, for apparently carrying on in the usual way the business of the partnership of which he is a member binds the partnership, unless the partner so acting has in fact no authority to act for the partnership in the particular matter, and the person with whom he is dealing has knowledge of the fact that he has no such authority.

(2) An act of a partner which is not apparently for the carrying on of the business of the partnership in the usual way does not bind the partnership unless authorized by the other partners.

(3) Unless authorized by the other partners or unless they have abandoned the business, one or more but less than all the partners have no authority to:

(a) assign the partnership property in trust for creditors, or on the assignee's promise to pay the debts of the partnership,

(b) dispose of the goodwill of the business,

(c) do any other act which would make it impossible to carry on the ordinary business of a partnership,

Partnership property.

Partner agent of partnership as to firm business.

Exception.

When act of partner does not bind partnership.

Matters requiring joinder of all members of firm.

(d) confess a judgment,

(e) submit a partnership claim or liability to arbitration or reference.

When acts of partner, exceeding restricted authority, not binding on firm.

Conveyance of real estate of partnership.

Title in firm name; conveyance in firm name, by any partner: effect.

Title in firm name; conveyance in name of partner: effect.

Title in name of one or more, but not all, partners; conveyance by less than all: effect.

Title in name of one or more, but not all, in trust for firm; conveyance by less than all: effect.

Title in names of all partners; conveyance by all: effect.

Partnership bound by admission of partner.

Firm charged with knowledge of or notice to partner.

(4) No act of a partner in contravention of a restriction on authority shall bind the partnership to persons having knowledge of the restriction.

SEC. 10. Conveyance of Real Property of the Partnership. (1) Where title to real property is in the partnership name, any partner may convey title to such property by a conveyance executed in the partnership name; but the partnership may recover such property unless the partner's act binds the partnership under the provisions of paragraph (1) of Section nine, or unless such property has been conveyed by the grantee of a person claiming through such grantee to holder for value without knowledge that the partner, in making the conveyance, has exceeded his authority.

(2) Where title to real property is in the name of the partnership, a conveyance executed by a partner, in his own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the provisions of paragraph (1) of Section nine.

(3) Where title to real property is in the name of one or more, but not all the partners, and the record does not disclose the right of the partnership, the partners in whose name the title stands may convey title to such property, but the partnership may recover such property if the partners' act does not bind the partnership under the provisions of paragraph (1) of Section nine, unless the purchaser or his assignee, is a holder for value, without knowledge.

(4) Where the title to real property is in the name of one or more or all the partners, or in a third person in trust for the partnership, a conveyance executed by a partner in the partnership name, or in his own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the provisions of paragraph (1) of Section nine.

(5) Where the title to real property is in the names of all the partners a conveyance executed by all the partners passes all their rights in such property.

SEC. 11. Partnership Bound by Admission of Partner. An admission or representation made by any partner concerning partnership affairs within the scope of his authority as conferred by this Act is evidence against the partnership.

SEC. 12. Partnership Charged with Knowledge of or Notice to Partner. Notice to any partner of any matter relating to part-

nership affairs, and the knowledge of the partner acting in the particular matter, acquired while a partner or then present to his mind, and the knowledge of any other partner who reasonably could and should have communicated it to the acting partner, operate as notice to or knowledge of the partnership, except in the case of a fraud on the partnership committed by or with the consent of that partner.

SEC. 13. Partnership Bound by Partner's Wrongful Act. Where, by any wrongful act or omission of any partner acting in the ordinary course of the business of the partnership or with the authority of his copartners, loss or injury is caused to any person, not being a partner in the partnership, or any penalty is incurred, the partnership is liable therefor to the same extent as the partner so acting or omitting to act.

Firm bound by partner's wrongful act.

SEC. 14. Partnership Bound by Partner's Breach of Trust. The partnership is bound to make good the loss:

Firm bound by partner's breach of trust.

(a) Where one partner acting within the scope of his apparent authority receives money or property of a third person and misapplies it; and

(b) where the partnership in the course of its business receives money or property of a third person and the money or property so received is misapplied by any partner while it is in the custody of the partnership.

SEC. 15. Nature of Partner's Liability. All partners are liable

Nature of partner's liability.

(a) Jointly and severally for everything chargeable to the partnership under Sections thirteen and fourteen.

(b) Jointly for all other debts and obligations of the partnership; but any partner may enter into a separate obligation to perform a partnership contract.

SEC. 16. Partner by Estoppel. (1) When a person, by words spoken or written or by conduct, represents himself, or consents to another representing him to any one, as a partner in an existing partnership or with one or more persons not actual partners, he is liable to any such person to whom such representation has been made, who has, on the faith of such representation, given credit to the actual or apparent partnership, and if he has made such representation or consented to its being made in a public manner, he is liable to such person, whether the representation has or has not been made or communicated to such person so giving credit by or with the knowledge of the apparent partner making the representation or consenting to its being made.

Partner by estoppel.

(a) When a partnership liability results, he is liable as though he were an actual member of the partnership.

(b) When no partnership liability results, he is liable jointly with the other persons, if any, so consenting to the contract or representation as to incur liability, otherwise separately.

Agency as to persons consenting to representation of partnership existence.

(2) When a person has been thus represented to be a partner in an existing partnership, or with one or more persons not actual partners, he is an agent of the persons consenting to such representation to bind them to the same extent and in the same manner as though he were a partner in fact, with respect to persons who rely upon the representation. Where all the members of the existing partnership consent to the representation, a partnership act or obligation results; but in all other cases it is the joint act or obligation of the person acting and the persons consenting to the representation.

Liability of incoming partner.

SEC. 17. Liability of Incoming Partner. A person admitted as a partner into an existing partnership is liable for all the obligations of the partnership arising before his admission as though he had been a partner when such obligations were incurred, except that this liability shall be satisfied only out of partnership property.

#### PART IV.

##### RELATIONS OF PARTNERS TO ONE ANOTHER

Rules determining rights and duties of parties among themselves.

SEC. 18. Rules Determining Rights and Duties of Partners. The rights and duties of the partners in relation to the partnership shall be determined, subject to any agreement between them, by the following rules:

Share in profits; contribution towards losses.

(a) Each partner shall be repaid his contributions, whether by way of capital or advances to the partnership property and share equally in the profits and surplus remaining after all liabilities, including those to partners, are satisfied; and must contribute towards the losses, whether of capital or otherwise, sustained by the partnership according to his share in the profits.

Indemnification of partner as to payments or liabilities in course of firm business.

(b) The partnership must indemnify every partner in respect of payments made and personal liabilities reasonably incurred by him in the ordinary and proper conduct of its business, or for the preservation of its business or property.

Interest on additional advances.

(c) A partner, who in aid of the partnership makes any payment or advance beyond the amount of capital which he agreed to contribute, shall be paid interest from the date of the payment or advance.

Interest on capital contributions from repayment due date.

(d) A partner shall receive interest on the capital contributed by him only from the date when repayment should be made.

Equal rights in management.

(e) All partners have equal rights in the management and conduct of the partnership business.



(f) No partner is entitled to remuneration for acting in the partnership business, except that a surviving partner is entitled to reasonable compensation for his services in winding up the partnership affairs.

No remuneration for acting in firm business.

Exception.

(g) No person can become a member of a partnership without the consent of all the partners.

Consent of all necessary for one to become member.

(h) Any difference arising as to ordinary matters connected with the partnership business may be decided by a majority of the partners; but no act in contravention of any agreement between the partners may be done rightfully without the consent of all the partners.

Differences as to ordinary matters settled by majority.

SEC. 19. Partnership Books. The partnership books shall be kept, subject to any agreement between the partners, at the principal place of business of the partnership, and every partner shall at all times have access to and may inspect and copy any of them.

Partnership books.

SEC. 20. Duty of Partners to Render Information. Partners shall render on demand true and full information of all things affecting the partnership to any partner of the legal representative of any deceased partner or partner under legal disability.

Duty of partners to render information.

SEC. 21. Partner Accountable as a Fiduciary. (1) Every partner must account to the partnership for any benefit, and hold as trustee for it any profits derived by him without the consent of the other partners from any transaction connected with the formation, conduct or liquidation of the partnership or from any use by him of its property.

Partner accountable as fiduciary.

(2) This section applies also to the representatives of a deceased partner engaged in the liquidation of the affairs of the partnership as the personal representatives of the last surviving partner.

Application of section to representative of deceased partner.

SEC. 22. Right to an Account. Any partner shall have the right to a formal account as to partnership affairs:

Right to an accounting.

(a) if he is wrongfully excluded from the partnership business or possession of its property by his copartners,

(b) if the right exists under the terms of any agreement,

(c) as provided by Section twenty-one,

(d) whenever other circumstances render it just and reasonable.

SEC. 23. Continuation of Partnership Beyond Fixed Term. (1) When a partnership for a fixed term or particular undertaking is continued after the termination of such term or particular undertaking without any express agreement, the rights and

Continuation of partnership beyond fixed term.

duties of the partners remain the same as they were at such termination, so far as is consistent with a partnership at will.

(2) A continuation of the business by the partners or such of them as habitually acted therein during the term, without any settlement or liquidation of the partnership affairs, is prima facie evidence of a continuation of the partnership.

## PART V.

### PROPERTY RIGHTS OF A PARTNER

Extent of property rights of partner.

SEC. 24. Extent of Property Rights of a Partner. The property rights of a partner are (1) his rights in specific partnership property, (2) his interest in the partnership, and (3) his right to participate in the management.

Rights in specific firm property.

Co-ownership : tenant in partnership.

SEC. 25. Nature of a Partner's Right in Specific Partnership Property. (1) A partner is co-owner with his partners of specific partnership property holding as a tenant in partnership.

Incidents of :

(2) The incidents of this tenancy are such that:

Equal right of possession.

(a) A partner, subject to the provisions of this Act and to any agreement between the partners, has an equal right with his partners to possess specific partnership property for partnership purposes; but he has no right to possess such property for any other purpose without the consent of his partners.

Partner's right not assignable.

(b) A partner's right in specific partnership property is not assignable except in connection with the assignment of rights of all the partners in the same property.

Partner's right not subject to attachment or execution ; exception.

(c) A partner's right in specific partnership property is not subject to attachment or execution, except on a claim against the partnership. When partnership property is attached for a partnership debt the partners, or any of them, or the representatives of a deceased partner, cannot claim any right under the homestead or exemption laws.

Right of survivorship in specific firm property.

Exception.

(d) On the death of a partner his right in specific partnership vests in the surviving partner or partners, except where the deceased was the last surviving partner, when his right in such property vests in his legal representative. Such surviving partner or partners, or the legal representative of the last surviving partner, has no right to possess the partnership property for any but a partnership purpose.

Not subject to dower rights, etc.

(e) A partner's right in specific partnership property is not subject to dower, courtesy, or allowances to widows, heirs, or next of kin.

Nature of partner's interest in firm.

SEC. 26. Nature of Partner's Interest in the Partnership. A partner's interest in the partnership is his share of the profits and surplus, and the same is personal property.

SEC. 27. Assignment of Partner's Interest. (1) A conveyance by a partner of his interest in the partnership does not of itself dissolve the partnership, nor, as against the other partners in the absence of agreement, entitle the assignee, during the continuance of the partnership, to interfere in the management or administration of the partnership business or affairs, or to require any information or account of partnership transactions, or to inspect the partnership books; but it merely entitles the assignee to receive in accordance with his contract the profits to which the assigning partner would otherwise be entitled.

Assignment of partner's interest.

Effect.

(2) In case of a dissolution of the partnership, the assignee is entitled to receive his assignor's interest and may require an account from the date only of the last account agreed to by all the partners.

Rights of assignee upon dissolution.

SEC. 28. Partner's Interest Subject to Charging Order. (1) On due application to a competent court by any judgment creditor of a partner, the court which entered the judgment, order or decree, or any other court, may charge the interest of the debtor partner with payment of the unsatisfied amount of such judgment debt with interest thereon; and may then or later appoint a receiver of his share of the profits, and of any other money due or to fall due to him in respect of the partnership, and make all other orders, directions, accounts and inquiries which the debtor partner might have made, or which the circumstances of the case may require.

Partner's interest subject to court decree charging it with payment of judgment.

Receivership.

(2) The interest charged may be redeemed at any time before foreclosure, or in case of a sale being directed by the court may be purchased without thereby causing a dissolution:

Redemption of interest so charged.

(a) with separate property, by any one or more of the partners, or

(b) with partnership property, by any one or more of the partners with the consent of all the partners whose interests are not so charged or sold.

(3) Nothing in this Act shall be held to deprive a partner of his right, if any, under the exemption laws, as regards his interest in the partnership.

Rights under exemption laws.

## PART VI.

### DISSOLUTION AND WINDING UP

SEC. 29. Dissolution Defined. The dissolution of a partnership is the change in the relation of the partners caused by any partner ceasing to be associated in the carrying on as distinguished from the winding up of the business.

Dissolution defined.

SEC. 30. Partnership not Terminated by Dissolution. On dissolution the partnership is not terminated, but continues until the winding up of partnership affairs is completed.

Partnership not terminated by dissolution.

Causes of dissolution.

SEC. 31. Causes of Dissolution. Dissolution is caused: (1) Without violation of the agreement between the partners,

Expiration of term.

(a) by the termination of the definite term or particular undertaking specified in the agreement,

Express will of any partner where no definite term.

(b) by the express will of any partner when no definite term or particular undertaking is specified,

Express will of all, before or after expiration of specified term.

(c) by the express will of all partners who have not assigned their interests or suffered them to be charged for their separate debts, either before or after the termination of any specific term or particular undertaking,

Expulsion of any partner under partnership agreement.

(d) by the expulsion of any partner from the business bona fide in accordance with such a power conferred by the agreement between the partners;

Express will of all, even in contravention of agreement.

(2) in contravention of the agreement between the partners, where the circumstances do not permit a dissolution under any other provision of this section, by the express will of any partner at any time;

When partnership business becomes unlawful.

(3) by any event which makes it unlawful for the business of the partnership to be carried on or for the members to carry it on in partnership;

Death.

(4) by the death of any partner;

Bankruptcy.

(5) by the bankruptcy of any partner or the partnership;

Decree of court.

(6) by decree of court under Section thirty-two.

Dissolution by decree of court:

SEC. 32. Dissolution by Decree of Court. (1) On application by or for a partner the court shall decree a dissolution whenever:

When partner declared a lunatic.

(a) A partner has been declared a lunatic in any judicial proceeding or is shown to be of unsound mind,

When other incapacity of partner.

(b) a partner becomes in any other way incapable of performing his part of the partnership contract,

When partner guilty of prejudicial conduct.

(c) a partner has been guilty of such conduct as tends to affect prejudicially the carrying on of the business,

In case of wilful or persistent breach of contract.

(d) a partner wilfully or persistently commits a breach of the partnership agreement, or otherwise so conducts himself in matters relating to the partnership business that it is not reasonably practicable to carry on the business in partnership with him,

Continuance of business only at loss.

(e) the business of the partnership can only be carried on at a loss,

When dissolution equitable.

(f) other circumstances render a dissolution equitable.

Dissolution on application of purchaser of partner's interest.

(2) On the application of the purchaser of a partner's interest under Sections twenty-seven and twenty-eight:

(a) After the termination of the specified term or particular undertaking,

(b) at any time if the partnership was a partnership at will when the interest was assigned or when the charging order was issued.

SEC. 33. General Effect of Dissolution on Authority of Partner. Except so far as may be necessary to wind up partnership affairs or to complete transactions begun but not then finished, dissolution terminates all authority of any partner to act for the partnership,

General effect of dissolution on authority of partner.

(1) with respect to the partners,

(a) when the dissolution is not by the act, bankruptcy or death of a partner; or

(b) when the dissolution is by such act, bankruptcy or death of a partner, in cases where Section thirty-four so requires,

(2) with respect to persons not partners, as declared in Section thirty-five.

SEC. 34. Right of Partner to Contribution from Copartners after Dissolution. Where the dissolution is caused by the act, death or bankruptcy of a partner, each partner is liable to his copartners for his share of any liability created by any partner acting for the partnership as if the partnership had not been dissolved unless

Right of partner to contribution from co-partners after dissolution.

(a) the dissolution being by act of any partner, the partner acting for the partnership had knowledge of the dissolution, or

(b) the dissolution being by the death or bankruptcy of a partner, the partner acting for the partnership had knowledge or notice of the death or bankruptcy.

SEC. 35. Power of Partner to Bind Partnership to Third Persons after Dissolution. (1) After dissolution a partner can bind the partnership except as provided in paragraph (3)

Power of partner to bind firm after dissolution.

(a) by any act appropriate for winding up partnership affairs or completing transactions unfinished at dissolution;

By act appropriate in liquidation of affairs.

(b) by any transaction which would bind the partnership if dissolution had not taken place, provided the other party to the transaction

By act binding had dissolution not occurred, upon stated conditions.

(I) had extended credit to the partnership prior to dissolution and had no knowledge or notice of the dissolution; or

(II) though he had not so extended credit, had nevertheless known of the partnership prior to dissolution, and, having no knowledge or notice of dissolution, the fact of dissolution had



not been advertised in a newspaper of general circulation in the place (or in each place if more than one) at which the partnership business was regularly carried on.

Satisfaction of partner's liability under Para. (1b), out of firm assets, in certain cases.

(2) The liability of a partner under paragraph (1b) shall be satisfied out of partnership assets alone when such partner had been prior to dissolution

(a) unknown as a partner to the person with whom the contract is made; and

(b) so far unknown and inactive in partnership affairs that the business reputation of the partnership could not be said to have been in any degree due to his connection with it.

When firm not bound by partner's act after dissolution.

(3) The partnership is in no case bound by any act of a partner after dissolution

(a) where the partnership is dissolved because it is unlawful to carry on the business, unless the act is appropriate for winding up partnership affairs; or

(b) where the partner has become bankrupt; or

(c) where the partner has no authority to wind up partnership affairs; except by a transaction with one who

(I) had an extended credit to the partnership prior to dissolution and had no knowledge or notice of his want of authority; or

(II) had not extended credit to the partnership prior to dissolution, and, having no knowledge or notice of his want of authority, the fact of his want of authority has not been advertised in the manner provided for advertising the fact of dissolution in paragraph (1bII).

Liability under Section 16, unaffected.

(4) Nothing in this section shall affect the liability under Section sixteen of any person who after dissolution represents himself or consents to another representing him as a partner in a partnership engaged in carrying on business.

Dissolution not discharge of liability per se.

SEC. 36. Effect of Dissolution on Partner's Existing Liability.  
(1) The dissolution of the partnership does not of itself discharge the existing liability of any partner.

Discharge of existing liability of partner by agreement.

(2) A partner is discharged from any existing liability upon dissolution of the partnership by an agreement to that effect between himself, the partnership creditor and the person or partnership continuing the business; and such agreement may be inferred from the course of dealing between the creditor having knowledge of the dissolution and the person or partnership continuing the business.

Discharge by novation.

(3) Where a person agrees to assume the existing obligations of a dissolved partnership, the partners whose obligations have

been assumed shall be discharged from any liability to any creditor of the partnership who, knowing of the agreement, consents to a material alteration in the nature or time of payment of such obligations.

(4) The individual property of a deceased partner shall be liable for all obligations of the partnership incurred while he was a partner but subject to the prior payment of his separate debts.

Liability of individual property of deceased partner.

SEC. 37. Right to Wind Up. Unless otherwise agreed the partners who have not wrongfully dissolved the partnership or the legal representative of the last surviving partner, not bankrupt, has the right to wind up the partnership affairs; provided, however, that any partner, his legal representative or his assignee, upon cause shown, may obtain winding up by the court.

Right to wind up partnership affairs.

SEC. 38. Rights of Partners to Application of Partnership Property. (1) When dissolution is caused in any way, except in contravention of the partnership agreement, each partner, as against his copartners and all persons claiming through them in respect of their interest in the partnership, unless otherwise agreed, may have the partnership property applied to discharge its liabilities, and the surplus applied to pay in cash the net amount owing to the respective partners. But if dissolution is caused by expulsion of a partner, bona fide under the partnership agreement, and if the expelled partner is discharged from all partnership liabilities, either by payment or agreement under Section thirty-six (2), he shall receive in cash only the net amount due him from the partnership.

Application of firm property to discharge its liabilities.

Application of surplus.

Rights of expelled partner.

(2) When dissolution is caused in contravention of the partnership agreement the rights of the partners shall be as follows:

Rights of partners when dissolution in contravention of agreement.

(a) Each partner who has not caused dissolution wrongfully shall have

(I) all the rights specified in paragraph (1) of this section, and

Rights of partner not causing wrongful dissolution.

(II) the right, as against each partner who has caused the dissolution wrongfully, to damages for breach of the agreement.

(b) The partners who have not caused the dissolution wrongfully, if they all desire to continue the business in the same name, either by themselves or jointly with others, may do so, during the agreed term for the partnership and for that purpose may possess the partnership property, provided they secure the payment by bond approved by the court, or pay to any partner who has caused the dissolution wrongfully, the value of his interest in the partnership at the dissolution, less any damages recoverable under clause (2aII) of this section, and in like manner indemnify him against all present or future partnership liabilities.

Rights of such partners, who desire continuance of business.

Rights of partner wrongfully causing dissolution:

When business not continued.

(c) A partner who has caused the dissolution wrongfully shall have:

(I) If the business is not continued under the provisions of paragraph (2b) all the rights of a partner under paragraph (1), subject to clause (2aII), of this section,

When business continued.

(II) if the business is continued under paragraph (2b) of this section, the right as against his copartners and all claiming through them in respect of their interests in the partnership, to have the value of his interest in the partnership, less any damages caused to his copartners by the dissolution, ascertained and paid to him in cash, or the payment secured by bond approved by the court, and to be released from all existing liabilities of the partnership; but in ascertaining the value of the partner's interest the value of the goodwill of the business shall not be considered.

Rights where firm dissolved for fraud, etc.

SEC. 39. Rights Where Partnership is Dissolved for Fraud or Misrepresentation. Where partnership contract is rescinded on the ground of the fraud or misrepresentation of one of the parties thereto, the party entitled to rescind is, without prejudice to any other right, entitled,

(a) to a lien on, or right of retention of, the surplus of the partnership property after satisfying the partnership liabilities to third persons for any sum of money by him for the purchase of an interest in the partnership and for any capital or advances contributed by him; and

(b) to stand, after all liabilities to third persons have been satisfied, in the place of the creditors of the partnership for any payments made by him in respect of the partnership liabilities; and

(c) to be indemnified by the person guilty of the fraud or making the representation against all debts and liabilities of the partnership.

Rules for distribution.

SEC. 40. Rules for Distribution. In settling accounts between the partners after dissolution, the following rules shall be observed, subject to any agreement to the contrary:

Partnership assets.

(a) The assets of the partnership are

(I) the partnership property,

(II) the contributions of the partners necessary for the payment of all the liabilities specified in clause (b) of this paragraph.

Liabilities: order of payment.

(b) The liabilities of the partnership shall rank in order of payment, as follows:

(I) Those owing to creditors other than partners,

(II) those owing to partners other than for capital and profits,

(III) those owing to partners in respect of capital.

(IV) those owing to partners in respect of profits.

(c) The assets shall be applied in the order of their declaration in clause (a) of this paragraph to the satisfaction of the liabilities.

Application of assets in order declared in clause (a).

(d) The partners shall contribute, as provided by Section eighteen (a) the amount necessary to satisfy the liabilities; but if any, but not all, of the partners are insolvent, or, not being subject to process, refuse to contribute, the other partners shall contribute their share of the liabilities, and, in the relative proportions in which they share the profits, the additional amount necessary to pay the liabilities.

Contributions by partners to satisfy liabilities.

(e) An assignee for the benefit of creditors or any person appointed by the court shall have the right to enforce the contributions specified in clause (d) of this paragraph.

Rights of assignee for benefit of creditors.

(f) Any partner or his legal representative shall have the right to enforce the contributions specified in clause (d) of this paragraph, to the extent of the amount which he has paid in excess of his share of the liability.

Enforcement of contributions by partner or legal representative.

(g) The individual property of a deceased partner shall be liable for the contributions specified in clause (d) of this paragraph.

Liability of partner's individual property.

(h) When partnership property and the individual properties of the partners are in possession of a court for distribution, partnership creditors shall have priority on partnership property and separate creditors on individual property, saving the rights of lien or secured creditors as heretofore.

Priority of rights when firm and individual properties in court for distribution.

(i) Where a partner has become bankrupt or his estate is insolvent the claims against the separate property shall rank in the following order:

Priorities as to properties when partner bankrupt or insolvent.

(I) Those owing to separate creditors,

(II) those owing to partnership creditors,

(III) those owing to partners by way of contribution.

SEC. 41. Liability of Persons Continuing the Business in Certain Cases. (1) When any new partner is admitted into an existing partnership, or when any partner retires and assigns (or the representative of the deceased partner assigns) his rights in partnership property to two or more of the partners, or to one or more of the partners and one or more third persons, if the business is continued without liquidation of the partnership

Rights of creditors, when firm continues, after new partner admitted, etc.



affairs, creditors of the first or dissolved partnership are also creditors of the partnership so continuing the business.

Rights of creditors, when all but one partner retire or assign rights to remaining partner.

(2) When all but one partner retire and assign (or the representative of a deceased partner assigns) their rights in partnership property to the remaining partner, who continues the business without liquidation of partnership affairs, either alone or with others, creditors of the dissolved partnership are also creditors of the person or partnership so continuing the business.

Rights of creditors, when partner retires or dies, without any assignment of firm property.

(3) When any partner retires or dies and the business of the dissolved partnership is continued as set forth in paragraphs (1) and (2) of this section, with the consent of the retired partners or the representative of the deceased partner, but without any assignment of his right in partnership property, rights of creditors of the dissolved partnership and of the creditors of the person or partnership continuing the business shall be as if such assignment had been made.

Rights of creditors when all partners assign to third persons.

(4) When all the partners or their representatives assign their rights in partnership property to one or more third persons who promise to pay the debts and who continue the business of the dissolved partnership, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

Rights of creditors, when partner wrongfully causes dissolution.

(5) When any partner wrongfully causes a dissolution and the remaining partners continue the business under the provisions of Section thirty-eight (2b), either alone or with others, and without liquidation of the partnership affairs, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

Rights of creditors when partner is expelled.

(6) When a partner is expelled and the remaining partners continue the business either alone or with others, without liquidation of the partnership affairs, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

Liability of third person becoming partner in continuing firm.

(7) The liability of a third person becoming a partner in the partnership continuing the business, under this section, to the creditors of the dissolved partnership shall be satisfied out of the partnership property only.

Relative rights of firm creditors and creditors of dead or retiring partner, when business continued.

(8) When the business of a partnership after dissolution is continued under any conditions set forth in this section the creditors of the dissolved partnership, as against the separate creditors of the retiring or deceased partner or the representative of the deceased partner, have a prior right to any claim of the retired partner or the representative of the deceased partner against the person or partnership continuing the business on account of the retired or deceased partner's interest in the



dissolved partnership or on account of any consideration promised for such interest or for his right in partnership property.

(9) Nothing in this section shall be held to modify any right of creditors to set aside any assignment on the ground of fraud.

Right to set aside assignments.

(10) The use by the person or partnership continuing the business of the partnership name, or the name of a deceased partner as part thereof, shall not of itself make the individual property of the deceased partner liable for any debts contracted by such person or partnership.

Effect of continued use of firm name, etc., on property of deceased partner.

SEC. 42. Rights of Retiring or Estate of Deceased Partner When the Business is Continued. When any partner retires or dies, and the business is continued under any of the conditions set forth in Section forty-one (1, 2, 3, 5, 6), or Section thirty-eight (2b), without any settlement of accounts as between him or his estate and the person or partnership continuing the business, unless otherwise agreed, he or his legal representative as against such persons or partnership may have the value of his interest at the date of dissolution ascertained, and shall receive as an ordinary creditor an amount equal to the value of his interest in the dissolved partnership with interest, or, at his option or at the option of his legal representative, in lieu of interest, the profits attributable to the use of his right in the property of the dissolved partnership; provided that the creditors of the dissolved partnership as against the separate creditors, or the representative of the retired or deceased partner, shall have priority on any claim arising under this section, as provided by Section forty-one (8) of this Act.

Rights of partner retiring or estate of deceased partner, when business continued.

SEC. 43. Accrual of Actions. The right to an account of his interest shall accrue to any partner, or his legal representative, as against the winding up partners or the surviving partners or the person or partnership continuing the business, at the date of dissolution, in the absence of any agreement to the contrary.

Accrual of actions.

## PART VII.

### MISCELLANEOUS PROVISIONS

SEC. 44. Legislation Repealed. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 45. When Act Takes Effect. This Act shall take effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 420

## CHAPTER 375

AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINETEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATIVE TO THE PRACTICE OF BARBERING IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 119, Public Laws, 1929, amended, as to practice of barbering.

SECTION 1. That Section one of Chapter one hundred and nineteen of the Public Laws of one thousand nine hundred and twenty-nine be, and the same is hereby, amended by striking out in line three after the word "shall" and before the word "either" the words "for pay,".

Sec. 2, amended, as to definition of practice.

SEC. 2. That Section two of Chapter one hundred and nineteen of the Public Laws of one thousand nine hundred and twenty-nine be, and the same is hereby, amended by striking out the comma following the word "practices" in line one and the following language in line two: "when done for pay,".

Sec. 4, amended, as to registered apprentices.

SEC. 3. That Section four of Chapter one hundred and nineteen of the Public Laws of one thousand nine hundred and twenty-nine be, and the same is hereby, amended by adding at the end thereof the following: "Every registered apprentice when eligible shall take the examination to receive a certificate of registration as a registered barber. No registered apprentice shall be permitted to practice for a period of more than three years without passing the required examination to receive a certificate of registration as a registered barber."

Sec. 7, amended, as to employment of attorneys, agents, etc., by Board of Examiners.

SEC. 4. That Section seven of Chapter one hundred and nineteen of the Public Laws of one thousand nine hundred and twenty-nine be, and the same is hereby, amended by adding at the end thereto the following: "The Board shall employ such agents and assistants and attorneys as it may deem necessary."

Sec. 12, amended, as to licensing of barbers from other states.

SEC. 5. That Section twelve of Chapter one hundred and nineteen of the Public Laws of one thousand nine hundred and twenty-nine be, and the same is hereby, amended by striking out the comma following the word "county" in line two and inserting therein between the word "county" and the words "and who" the words "for a period of not less than two years."

Sec. 15, amended, as to exemptions from Act.

SEC. 6. That Subsection (f) of Section fifteen of Chapter one hundred and nineteen of the Public Laws of one thousand nine hundred and twenty-nine be, and the same is hereby, amended by striking out all that portion of said subsection following the word "culture" in line one and inserting in lieu thereof the following: "exclusively for females".

Sec. 16, amended.

SEC. 7. That Section sixteen of Chapter one hundred and nineteen of the Public Laws of one thousand nine hundred and

twenty-nine, as amended by Chapter thirty-two of the Public Laws of one thousand nine hundred and thirty-one, be, and the same is hereby, amended by striking out said section and inserting the following in lieu thereof:

"SEC. 16. (a). Each barber and each owner or manager of a barber shop, barber school or college, or any other place where barber service is rendered, shall comply with the following sanitary rules and regulations:

Sanitary rules and regulations.

"1. Inspection. All barber shops, or barber schools and colleges, or any other place where barber service is rendered, shall be open for inspection at all times during business hours to any members of the Board of Barber Examiners, or its agents or assistants.

Inspection of shops, schools, etc.

"2. Proper Quarters. Every barber shop, or any other place where barber service is rendered, shall be located in buildings or rooms of such construction that the same may be easily cleaned.

Proper quarters.

"3. Barber Shops. Every barber shop, or barber school, or barber college, or any other place where barber service is rendered, shall be well-lighted, well-ventilated, and kept in a clean, orderly and sanitary condition.

Lighting, ventilation, etc.

"4. Position of Barber Shops. Any room or place for barbering is prohibited which is used for other purposes, unless such a substantial partition or wall of ceiling height, separates such portion used for barber shops, or any place where barber service is rendered. However, this rule shall apply to sanitation only as determined by the discretion of the inspector.

Regulation of places used for barbering.

"5. Walls and Floors. The floors, walls, and ceiling of all barber shops, or barber schools and colleges, or any other place where barber service is rendered, must be kept clean and sanitary at all times.

Walls and floors.

"6. Fixture Conditions. Work stands or cabinets, and chairs and fixtures of all barber shops, or any other place where barber service is rendered, must be kept clean and sanitary at all times. All lavatories, towel urns, paper jars, cuspidors, and all receptacles containing cosmetics of any nature must be kept clean at all times.

Fixture conditions.

"7. Tools and Instruments. Every owner or manager of each barber shop shall supply a separate tool cabinet, having a door as near air-tight as possible, for himself and each barber employed. All tools and instruments shall be kept clean and sanitary at all times and shall be kept in tool cabinets, and shall not be placed in drawers or on work stands. Cabinets shall be of such construction as to be easily cleaned and shall be clean and sanitary at all times.

Tools and instruments.

Water facilities, where shop located in city having water system.

"8. Water. (1) All barber shops, or any other place where barber service is rendered, located in towns or cities having a water system shall be required to connect with said water system. Running water, hot and cold, shall be provided, and lavatories shall be located at a convenient place in each barber shop.

Water facilities, where shop not located in city having water system.

"9. Water. (2) All barber shops or any other place where barber service is rendered, not located in cities or towns having water systems must supply hot and cold water under pressure in tank to hold not less than five gallons, and said tanks must be connected with a lavatory. Tanks and lavatory shall be of such construction that they may be easily cleaned. Said lavatory must have a drain pipe to drain all waste water out of the building. The dipping of shaving mugs and towels, etc., into water receptacles is prohibited.

Use of materials to stop flow of blood.

"10. Styptic Pencil and Alum. No person serving as a barber shall, to stop the flow of blood, use alum or other material unless the same be used in liquid or powder form with clean towels. The use of common styptic pencil or lump alum shall not be permitted for any purpose.

Sterilization of instruments.

"11. Instruments. Each person serving as a barber, shall, immediately before using razors, tweezers, combs, contact cup or pad of vibrator or massage machine, sterilize same by immersing in a solution of fifty per cent (50%) alcohol, five per cent (5%) carbolic acid, twenty per cent (20%) formaldehyde, or ten per cent (10%) lysol. Every owner or manager of each barber shop shall supply a separate container for each barber adequate to provide for a sufficient supply of the above solutions.

Hair brushes and combs.

"12. Hair Brushes and Combs. Each barber shall maintain combs and hair brushes in clean and sanitary manner at all times, and each hair brush shall be thoroughly washed with hot water and soap before each separate use.

Mugs and brushes.

"13. Mugs and Brushes. Each barber shall thoroughly clean mug and lather brush before each separate use and same must be kept clean and sanitary at all times.

Headrests.

"14. Headrest. The headrest of every barber chair shall be protected with fresh, clean paper or clean laundered towel before its use for any person.

Towels.

"15. Towels. Each and every person serving as a barber shall use a clean freshly laundered towel for each patron. This applies to every kind of towel, dry-towel, steam-towel, or wash-cloth. All clean towels shall be placed in closed cabinets until used. Receptacles composed of material that can be washed and cleansed, shall be provided to receive used towels and all used towels must be discarded in said receptacles until laundered. Towels shall not be placed in a sterilizer or tank or rinsed or washed in the barber shop. All wet and used towels

Receptacles for towels.

must be removed from the work stand or lavatory after serving each patron.

"16. Haircloths. Whenever a haircloth is used in cutting the hair, shampooing, etc., a newly laundered towel or paper neck strap shall be placed around the neck so as to prevent the haircloth from touching the skin. Haircloths shall be discarded when soiled.

Haircloths.

"17. Baths and Toilets. Baths and toilets must be kept in a clean and sanitary manner at all times.

Baths and toilets.

"18. Barber Hands. Every person serving as a barber shall thoroughly cleanse his or her hands immediately before serving each customer.

Cleansing hands.

"19. Barber Appearance. Each person working as a barber shall be clean, both as to person and dress.

Appearance of barbers.

"20. Health Certificate. No person having an infectious or communicable disease shall practice as a barber in the State of North Carolina. Each and every barber practicing the profession in North Carolina shall furnish the State Board of Barber Examiners a satisfactory health certificate, including Wassermann Test, at such times as the Board of Barber Examiners may deem necessary, signed by a physician in good standing and licensed by the North Carolina Board of Medical Examiners.

Health certificates.

"21. Diseases. No barber shall serve any person having an infectious or communicable disease, and no barber shall undertake to treat any infectious or contagious disease.

Diseases.

"22. Rules Posted. The owner or manager of any barber shop, or any other place where barber service is rendered, shall post a copy of these rules and regulations in a conspicuous place in said shop.

Posting of rules.

"(b) Any member of the Board and its agents and assistants shall have authority to enter upon and inspect any barber shop or barber school, or other place where barber service is rendered, at any time during business hours in performance of the duties conferred and imposed by this Act. A copy of the sanitary rules and regulations set out in this section shall be furnished by the Board to the owner or manager of each barber shop or barber school, or any other place where barber service is rendered in the State, and such copy shall be posted in a conspicuous place in each barber shop or barber school."

Inspection of barber shops.

Sanitary rules and regulations.

SEC. 8. That Section nineteen of Chapter one hundred and nineteen of the Public Laws of one thousand nine hundred and twenty-nine be, and the same is hereby, amended by adding two new subsections after Subsection six, to be designated as Subsections seven and eight, to read as follows:

Sec. 19, amended, as to disqualifications for certificate.



Violation of  
sanitary rules.

"7. The violation of any one or a combination of the sanitary rules and regulations.

Violation of  
Sec. 4.

"8. The violation of any of the provisions of Section four."

Sec. 21, amended,  
as to violation of  
sanitary rules  
and regulations.

SEC. 9. That Section twenty-one of Chapter one hundred and nineteen of the Public Laws of one thousand nine hundred and twenty-nine, as amended by Section one of Chapter ninety-five of the Public Laws of one thousand nine hundred and thirty-three, as amended by Chapter one hundred and thirty-eight of the Public Laws of one thousand nine hundred and thirty-seven, be, and the same is hereby, amended by striking out all of Subsection seven of said section and inserting in lieu thereof the following:

"7. The violation of any one or a combination of the sanitary rules and regulations."

Sec. 21, amended  
further, by add-  
ing new section.

SEC. 10. That Section twenty-one of Chapter one hundred and nineteen of the Public Laws of one thousand nine hundred and twenty-nine be, and the same is hereby, amended by adding a new subsection, to be designated as Subsection ten, to read as follows:

Practicing after  
suspension or re-  
vocation of cer-  
tificate, made  
misdemeanor.

"10. Practicing or attempting to practice barbering during the period of suspension or revocation of any certificate of registration granted under this Act. Each day's operation during such period of suspension or revocation shall be deemed a separate offense, and, upon conviction thereof, shall be punished as prescribed in this section."

Sec. 23, amended,  
making Act not  
applicable to  
persons perform-  
ing services with-  
out pay.

SEC. 11. That Section twenty-three of Chapter one hundred and nineteen of the Public Laws of one thousand nine hundred and twenty-nine, as amended by Chapter one hundred and thirty-eight of the Public Laws of one thousand nine hundred and thirty-seven, be, and the same is hereby, amended by striking out the last proviso therein, as amended, which reads as follows: "Provided, this Act shall not apply to any person who shall perform the services of a barber without compensation".

Practice of bar-  
bering among  
members of same  
family.

SEC. 12. That this Act shall not prevent a member of the family from practicing barbering on a member of his or her family.

Conflicting laws  
repealed.

SEC. 13. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 14. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 445

## CHAPTER 376

AN ACT TO AMEND SECTION TWENTY-FOUR OF CHAPTER ONE HUNDRED AND FORTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, AS AMENDED, RELATING TO THE MOTOR FUEL ROAD TAX, SO AS TO ENLARGE THE DEFINITION OF MOTOR FUELS AND PROVIDE FOR A ROAD USE TAX ON ANY PERSON OWNING OR OPERATING A MOTOR VEHICLE PROPELLED BY A PRODUCT NOT WITHIN THE DEFINITION OF MOTOR FUELS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section twenty-four of Chapter one hundred and forty-five of the Public Laws of one thousand nine hundred and thirty-one be amended by rewriting Subsection (1) (a) to read as follows:

Sec. 24, Ch. 145, Public Laws, 1931, amended, as to motor fuel road tax.

"(a) "Motor Fuel" shall mean (a) all products commonly or commercially known or sold as gasoline (including casinghead and absorption or natural gasoline) regardless of their classification or uses; and (b) any liquid prepared, advertised, offered for sale or sold for use as or commonly and commercially used as a fuel in internal combustion engines, which when subjected to distillation in accordance with the standard method of test for distillation of gasoline, naphtha, kerosene and similar petroleum products (American Society for Testing Materials Designation D-86) shows not less than ten per centum (10%) distilled (recovered) below three hundred forty-seven degrees (347°) Fahrenheit (one hundred seventy-five degrees (175°) Centigrade) and not less than ninety-five per centum (95%) distilled (recovered) below four hundred sixty-four degrees (464°) Fahrenheit (two hundred forty degrees (240°) Centigrade); with the exception that the term "motor fuel" shall not include commercial solvents which distill, by American Society for Testing Materials Method D-86, not more than nine (9) per centum at 176° F. and which have a distillation range of 125° F. or less, of liquefied gases which would not exist as liquids at a temperature of 60° Fahrenheit and a pressure of 14.7 pounds per square inch absolute."

Definition of "Motor Fuel."

Fuels excepted from definition.

SEC. 2. That Section twenty-four of Chapter one hundred and forty-five of the Public Laws of one thousand nine hundred and thirty-one be amended by adding a new subsection thereto to be numbered five and one half and to read as follows:

Sec. 24, amended further.

"(5½). (a) Every person who owns or operates over the highways of this state, any motor vehicle propelled by a motor which uses any product not included within the definition of "motor fuels" hereinbefore set out to generate power for the pro-

Tax on fuels, not included in definition, used in operation of motor vehicles on State highways.

pulsion of said vehicle, shall pay to the Commissioner of Revenue, for the use of the highways of this state, a tax of six cents (6c) per gallon on the fuel used in such vehicle upon the highways of this state.

Application for permit to operate such vehicles.

Payment of taxes.

Issuance of permit by Commissioner of Revenue.

Permit subject to inspection.

Holders of permits subject to certain rules and regulations.

No bond required.

Application of Act to licensed motor fuel distributors using such fuel in operation of own vehicles.

Reports filed by holders of permits.

(b) The owner or operator of such vehicle at the time this Act becomes effective, or who purchases such vehicle subsequent thereto, shall, before it is operated on the highways of this State, apply to the Commissioner of Revenue, on forms prescribed by him, for a permit to operate such vehicle on the highways of the State and shall make the tax payments herein levied direct to the Department of Revenue. Upon receipt and approval of such application the Commissioner of Revenue shall issue to such owner or operator a non-assignable permit which shall remain in effect until new license plates are required to be purchased and at that time shall be surrendered and a new permit showing the correct license number shall be issued. This permit shall at all times be in the possession of the operator of such vehicle and subject to inspection by any agent of the Department of Revenue or any dealer from whom such operator desires to purchase fuel. The holder of a permit issued under the provisions of this Act shall be subject to the same laws and to the rules and regulations of the Commissioner of Revenue in regard to the payments of tax and filing reports that licensed distributors of motor fuel are subject to, and such person shall also be subject to any other rules and regulations promulgated by the Commissioner of Revenue for the proper administration of this Act: Provided, however, no bond shall be required. Provided, further, any person duly licensed as a motor fuel distributor under the provisions of Chapter one hundred and forty-five of the Public Laws of one thousand nine hundred and thirty-one, who owns and operates motor vehicles for his own use and utilizes in such vehicles fuel not defined as motor fuel in this Act, is authorized to pay the tax herein levied on such fuel at the same time and in the same manner as is provided for motor fuel distributors, and such tax shall be subject to the taxes allowed by law to motor fuel distributors. In the event that a person elects to qualify as a motor fuel distributor and pay the tax as authorized by this proviso, it shall not be necessary for such person to secure the permit or make the reports required by this section, but such person shall comply with all the laws relating to motor fuel distributors.

“(c) For the purpose of determining the amount of tax due, the owner or operator of every motor vehicle holding a permit issued under the provisions of this Act shall file a report on or before the twentieth day of each month showing the number of miles each vehicle was operated over the highways of the State, the amount of fuel used during the preceding month and such other information as the Commissioner of Revenue may require.

At the time of filing his report, said person shall pay to the Commissioner of Revenue the tax levied in paragraph (a) of this subsection.

Payment of tax.

“(d) It shall be unlawful for any distributor, dealer or other person knowingly to sell fuel for use in such vehicles to owners or operators who do not hold permits as required by this Act without collecting the tax herein levied and remitting the same to the Commissioner of Revenue as required on sales of motor fuel. It shall also be unlawful for any person who does not hold a permit, as provided herein, to operate such vehicles over the highways of the State on fuel on which the tax is not paid as provided herein.

Sale of fuel to persons not having permits, without collecting tax, prohibited.

Use of non-tax-paid fuel by persons without permits, prohibited.

“If the owner or operator of any such vehicle shall fail to secure a permit, file a report or pay the tax as herein provided, his motor vehicle license shall be cancelled. It shall be the duty of the Commissioner of Revenue, upon such failure, to certify the same to the Department of Motor Vehicles or such agency of the State as has charge of issuing motor vehicle licenses and upon receipt of such certification the Department of Motor Vehicles or such other agency of the State as has charge of issuing motor vehicle licenses shall immediately have the license of the vehicle or vehicles returned for cancellation.

Cancellation of motor vehicle license for violation of law.

“(e) Any person violating any of the provisions of this Section shall be required to pay to the Commissioner of Revenue all taxes found to be due and, in addition thereto, a penalty of twenty-five per centum (25%) thereof, and such person shall also be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned in the discretion of the court.”

Penalties for violation of Section.

Violation made misdemeanor.

SEC. 3. If any section or provision of this Act is declared by the courts to be unconstitutional or invalid, the remainder of the Act shall be considered severable and shall not be affected by such declaration of invalidity.

Partial invalidity section.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-one.

Effective date.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.



## H. B. 755

## CHAPTER 377

AN ACT TO AUTHORIZE STATE AGENCIES AND COUNTY UNITS TO COOPERATE WITH THE FEDERAL GOVERNMENT AND ITS AGENCIES IN FURTHERANCE OF THE PROGRAM FOR THE DEVELOPMENT OF FEDERAL PARKS, PARKWAYS AND FEDERAL FORESTS.

Preamble:  
Construction of  
Blue Ridge  
Parkway, ex-  
tending through  
16 N. C. Coun-  
ties.

WHEREAS, the Federal Government has built and constructed the Blue Ridge Parkway, which parkway extends through sixteen counties in North Carolina, having a population in excess of four hundred and twenty-eight thousand people; and

Much travel  
over parkway  
foreseen.

WHEREAS, thousands of people will travel over said parkway during each year and great numbers of people will visit the various Federal parks in this State; and

Desire to coop-  
erate with Fed-  
eral Government  
in development of  
parks, etc.

WHEREAS, it is the desire of the people of the State to cooperate with the Federal Government in the program for the development of Federal parks, parkways and forests, and at the same time secure all the economic and social benefits possible as a result of said program; and

Organization to  
contact and coop-  
erate with Fed-  
eral Govern-  
mental agencies,  
necessary.

WHEREAS, in order for the counties through which said parkway passes, together with the other counties in the State, to secure the full benefits from the usage and operation of said parkways, Federal parks, and forests, it is necessary and proper that said counties form an organization to contact and cooperate with the agencies of the Federal Government having control of said parkways and Federal parks in North Carolina; and

Coöperation with  
State agencies,  
etc., necessary.

WHEREAS, it is necessary in order to formulate a workable plan that the local units through a central organization cooperate with the State agencies and the Governor of the State of North Carolina; and

Appointment of  
certain commit-  
tees deemed ad-  
visable.

WHEREAS, it is deemed advisable for the Governor of the State to appoint a committee of three persons in each of the sixteen counties through which the Blue Ridge Parkway passes, and in such other counties as may desire to participate in working out said plan of coöperation, and that these committees in turn elect an executive committee of not less than three nor more than five members, which shall in turn contact the Federal and State departments and agencies and assist in formulating said usage plan; now, therefore,

*The General Assembly of North Carolina do enact:*

Appointment of  
committee to fos-  
ter program for  
development of  
Federal parks,  
etc.

SECTION 1. That the Governor of the State of North Carolina is authorized and empowered to appoint a committee of three persons from each of the Counties of Surry, Alleghany, Ashe, Wilkes, Caldwell, Watauga, Burke, Avery, Yancey, Mitchell, Henderson, Buncombe, Haywood, Jackson, Swain and McDowell, and any other counties in the State of North Carolina desiring



to actively participate in the program of coöperation contemplated by this Act.

SEC. 2. That the members of said committee shall meet within thirty days after their appointment and shall elect or appoint an executive committee, from their membership, of not less than three nor more than five members, and it shall be the duty of such executive committee to select and recommend to the Governor for appointment a full time executive secretary as the representative of the various counties interested, to contact the different Federal and State agencies and departments and assist in the formulation of a workable plan between the Federal agencies, the State agencies, and the various counties of the State as set out in Section one of this Act, in order that the people in the counties affected, and also the people in the State as a whole, may receive the full economic and social benefits from the operation of Federal parks and parkways to which they are entitled.

Meeting of committee.

Election of executive committee.

Recommendation to Governor of executive secretary.

Duties of executive secretary.

SEC. 3. The Governor of the State is authorized, upon the recommendation of the executive committee above referred to, to appoint an executive secretary, whose duties, in addition to those set out in Section two of this Act, shall be fixed by the executive committee, the Governor and the Director of the Department of Conservation and Development. The salary of said executive secretary shall be fixed by the Governor and the Advisory Budget Commission.

Appointment of executive secretary.

Additional duties.

Salary.

SEC. 4. That the Department of Conservation and Development of the State of North Carolina is authorized to enter into agreements with the proper agencies of the Federal and State Governments in order to promote said program of coöperation, but no agreement shall be entered into until same has been approved by the executive committee hereinbefore set up and by the Governor of the State.

Department of Conservation and Development, authorized to make agreements with Federal and State agencies.

Prerequisite.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 770

## CHAPTER 378

AN ACT TO CREATE A MERIT SYSTEM COUNCIL FOR  
CERTAIN DEPARTMENTS AND AGENCIES OF THE  
STATE OF NORTH CAROLINA.

Preamble:  
Certain State  
agencies oper-  
ating on State  
and Federal  
Funds.

WHEREAS, the Unemployment Compensation Commission, the State Board of Health, the State Board of Charities and Public Welfare, and the State Commission for the Blind are agencies of the State which are operated from funds derived both from State and Federal sources; and

Compliance with  
rules of Federal  
Social Security  
Board prerequi-  
site for Federal  
funds.

WHEREAS, before any Federal funds will be allotted to the State by the Federal Social Security Board or other Federal agency or agencies charged with the administration of the Federal Social Security Act, the said State agencies and departments shall cooperate and comply with the rules and regulations duly promulgated by the Federal Social Security Board; and

System of merit  
rating for select-  
ing employees,  
required.

WHEREAS, it is a further requirement of the Federal Social Security Board that a system of merit rating be established for the selection of all employees administering or helping administer the Federal Social Security Laws as they apply to the State of North Carolina; and

Establishment of  
merit rating  
system, desired.

WHEREAS, it is desirable to provide for a uniform examination of all the employees of the State agencies or departments named above, or any other agencies or departments of the State which may hereafter be charged with the administration of the Social Security Laws in this State and required by the Federal Social Security Act, as amended, to establish a merit rating system for employees; and

Establishment of  
single system  
more economical  
and satisfactory.

WHEREAS, this requirement of the Federal Social Security Board can be met more economically and satisfactorily by the establishment of one system of merit rating to serve all the agencies of the State affected thereby: Now, therefore,

*The General Assembly of North Carolina do enact:*

Appointment of  
members of Merit  
System Council.

SECTION 1. The Governor of North Carolina is hereby authorized to appoint a merit system council, which shall be composed of five members, all of whom shall be public spirited citizens of this State of recognized standing in the improvement of public administration and in the impartial selection of efficient government personnel for the State agencies referred to in the preamble to this Act. No council member shall have held political office or have been an officer in a political organization during the year preceding his appointment, nor shall he hold such office during his term. No member of the council shall have been an employee of any of the agencies within one year prior to his appointment. One member appointed hereunder shall serve for a term of two years, two members shall serve for a term of four years, and two members shall serve for a term of six years

Qualifications  
of members.

Terms.

from the date of their appointments, and their successors shall be appointed by the Governor and shall serve for a term of six years and until their successors are appointed and qualified. In case of a vacancy in any of the above terms, the person appointed to fill such vacancy shall be appointed only for the unexpired term. The members of the Merit System Council shall be paid seven dollars (\$7.00) per diem and actual travel expense for each day when they are in attendance on a meeting of the council but shall receive no other salary.

Vacancy appointments.

Compensation.

SEC. 2. The Merit System Council appointed under the provisions of this Act is authorized to appoint a supervisor of merit examinations, who shall, in no instance, be a member of the council, and who shall, after his appointment, in coöperation with the council, the Director of the Budget of the State of North Carolina, the State agencies affected by this Act, and the Federal Social Security Board or other Federal agency charged with the administration of the Federal Social Security Laws, prepare rules and regulations, job specifications, and prepare and give examinations for and to all employees and applicants for employment and/or promotions of the agencies or departments affected by this Act. Such rules and regulations shall be printed and made available for public inspection and for the use of employees and applicants for employment in said agencies or departments.

Appointment of Supervisor of Merit Examinations.

Preparation of rules and regulations.

Examinations.

Publication of rules.

SEC. 3. The said council shall meet as soon as practicable and organize by electing one of its members as chairman and one who shall act as secretary. The secretary shall keep the minutes of the proceedings of the said council and shall be guardian of all papers pertaining to the business of said council. Meetings of the council shall be held as often as necessary and practicable upon the call of the chairman. The State agencies shall have the right to be represented at all meetings of the council but such representation shall be without voting power. The supervisor of merit examinations, above provided for, shall keep a record of all examinations held, and shall perform such other duties as the council shall prescribe, for which he shall be paid compensation to be fixed by the Director of the Budget.

Organization of Council.

Meetings.

Representation of State agencies at Council meetings.

Duties and pay of Supervisor.

SEC. 4. All applicants for positions in the agencies or departments affected by this Act shall be subjected to an examination by the Merit System Council which shall be competitive and free to all persons meeting requirements prescribed by said council, subject to reasonable and proper limitations as to age, health, and moral character, which said examinations shall be practical in their character and shall relate to those matters tending fairly to test the capacity and qualifications of the applicants to discharge proficiently the duties of the position to which they seek appointment, and shall include examinations as to physical and mental qualifications as well

Competitive examinations for all applicants for positions.

Nature of examinations.

Regulations as to moral character of applicants.

as general fitness; but no such applicant shall be examined concerning his or her political or religious opinions or affiliations. The said council shall establish such necessary and proper regulations as it sees fit relating to the moral worth and character of all applicants for positions in the agencies and departments affected by this Act, to the end that all persons certified by said council as eligible for employment in said agencies or departments shall be persons of good character as well as possessing necessary mental and physical qualifications.

Effect of Act on present employees previously examined.

SEC. 5. All employees presently employed in the agencies or departments affected by this Act and who have heretofore taken and passed merit examinations under the merit rating system now in effect, shall not be required to take further examinations as herein provided.

Effect of Act on persons previously examined and on eligible list.

SEC. 5½. All persons having successfully passed merit examinations under the merit rating system now in effect and are shown on the register as eligible for employment, shall not be required to take further examinations as provided herein and shall have their names placed on the new registers of those eligible for employment to be established under this Act.

Publication of notice of time and place of examinations.

SEC. 6. Notice of the time and place of every examination shall be given by the Merit System Council by publication once a week for two weeks immediately preceding such examination, in some newspaper having a general circulation in the State of North Carolina, and such notice shall be posted in a conspicuous place in the office of the supervisor of merit examinations, in the City of Raleigh for at least two weeks next preceding such examination.

Permanent register of applicants successfully passing examinations.

SEC. 7. Said council shall prepare and keep as a permanent record of the council a register of all persons successfully passing such examinations, actively reflecting the grades made by such applicants. Whenever any appointment is to be made to any of said agencies or departments, the council shall certify from said registered list of successful applicants three names for each appointment so to be made, and the appointments shall be made only from among the names thus certified by the council, exclusive of the names of those persons who failed to answer or who declined appointment or of those names to whom the appointing authority offers an objection in writing, which objection is sustained by the supervisor with the approval of the council.

Method of making appointments.

Admission to examinations without regard to minimum qualifications in certain cases.

SEC. 8. An employee who is certified by the agency as having given satisfactory service continuously for six calendar months preceding January first, one thousand nine hundred and forty or any other date or dates as may be required by the Federal agencies supervising the expenditures of Federal funds through the State agencies affected by this Act may be admitted to the examination for the position held by him at the



time of the passage of this Act without regard to minimum qualifications of training and experience. Upon certification of the supervisor that he has attained a passing grade in the examination held in accordance with the provisions of this Act he may be appointed as a probationary employee. The probationary period of such an employee shall date from the certification of the supervisor that he has attained a passing grade.

SEC. 9. All original appointments to permanent positions shall be made from officially promulgated registers for a probationary period of six months. The probationary period shall be an essential part of the examination process, and shall be utilized for the most effective adjustment of a new employee and for the elimination of any probationary employee whose performance does not meet the required standard of work. Permanent appointment of a probationary employee shall begin with the date ending the probationary period, provided that the personnel officer of the agency concerned has received from the employee's supervisor a statement in writing that the services of the employee during the probationary period have been satisfactory and that the employee is recommended to be continued in the service. The statement shall contain an appraisal of the value of the employee's services and shall include a service rating upon a form prescribed by the supervisor of merit examinations. It shall be the responsibility of the personnel officer to obtain such statement with recommendations four weeks prior to the end of the probationary period. The personnel officer, on the basis of such statement and recommendations, shall make recommendations to the appointing authority, and if it is determined that the services of the employee have been unsatisfactory, the personnel officer shall notify the employee in writing at least fifteen days in advance of the date his services are to be terminated. An employee whose appointment is to be made permanent shall also be notified. The personnel officer shall notify the Merit System Supervisor of the action taken regarding the services of the employee.

SEC. 10. As far as is practicable and feasible, a vacancy shall be filled by promotion of a qualified permanent employee based upon individual performance, as evidenced by recorded service ratings, with due consideration for length of service, and upon capacity for the new position. Preference in promotion may be given to employees within the agencies, and all inter-agency promotions must be approved by the appointing authorities concerned. A candidate for promotion must be certified by the supervisor to possess the qualifications for the position as set forth in the specifications for the class of position for which he is a candidate, and he shall be required by the supervisor to qualify for the new position by promotional competitive or non-competitive examination administered by the supervisor.

Appointment as probationary employee.

Original appointments to permanent positions made for probationary period.

Date when permanent appointment of probationary employee begins.

Statement from employee's supervisor.

Contents.

Recommendations by personnel officer to appointing authority.

Notice to employee as to termination or continuance of employment.

Filling vacancies.

Preferences.

Certification of candidates for promotion.



Dismissal of  
employees.

Grounds.

Suspension of  
employees.

Separations.

Order of  
separations.

Right of em-  
ployee to appeal  
from dismissal,  
suspension, or  
demotion.

Notice of hearing.

Hearing.

Recommendations of Council.

Final decision  
by agency.

Authority of  
Merit System  
Council.

Application of  
Act.

SEC. 11. The appointing authority, fifteen days after notice in writing to an employee stating specific reasons therefor, may dismiss any employee who is negligent or inefficient in his duties, or unfit to perform his duties and/or who is found to be guilty of gross misconduct; or who is convicted of any crime involving moral turpitude. When such conviction is final the employee shall have no recourse to appeal to the council. The appointing authority may, after written notice, suspend any employee without pay for delinquency or misconduct, for a period not to exceed thirty calendar days in any one calendar year. The appointing authority may separate any employee, without prejudice, because of lack of funds or curtailment of work. No permanent employee, however, shall be separated while there are emergency, intermittent, temporary, provisional, or probationary employees serving in the same class of position in the same agency. The order of separations due to reduction of force shall be based upon service ratings and seniority, under a formula to be formally established by the supervisor and approved by the council, and all such separations shall be reported to the supervisor.

SEC. 12. A permanent employee who is dismissed, suspended, or demoted shall have the right to appeal to the council not later than thirty days after the effective date of the dismissal, suspension, or demotion. Such appeal shall be in writing and shall be transmitted to the supervisor who shall arrange a formal hearing before the council within ten days after receipt of the appeal. The supervisor shall furnish the personnel officer of the agency concerned with a copy of the appeal in advance of the hearing. Both the employee and his immediate supervisor shall be notified reasonably in advance of the hearing and shall have the right to present witnesses and give evidence before the council. The council, within three days after the hearing, shall make its recommendations in writing to the appointing authority for consideration by the agency. After consideration of the council's recommendations, the agency shall make its decision which shall be final and which shall be duly recorded in the permanent records of the agency. The personnel officer shall, in writing, promptly notify the employee of the agency's decision.

SEC. 13. The Merit System Council appointed under the provisions of this Act shall have the authority to establish, maintain and provide rules and regulations, in coöperation with State Board of Health and the State Board of Charities and Public Welfare, for the administration of a system of personnel standards on a merit rating system with a uniform schedule of compensation for all employees of the county welfare departments and the county, city, and district health departments.

SEC. 14. Wherever the provisions of any law of the United States, or of any rule, order or regulation of any Federal

agency or authority, providing or administering Federal funds for use in North Carolina, either directly or indirectly or as a grant-in-aid, or to be matched or otherwise, impose other or higher, civil service or merit standards or different classifications than are required by the provisions of this Act, then the provisions of such laws, classifications, rules or regulations of the United States or any Federal agency may be adopted by the council as rules and regulations of the council and shall govern the class of employment and employees affected thereby, anything in this Act to the contrary notwithstanding.

SEC. 15. Nothing in this Act shall be construed as repealing any of the provisions of Chapter two hundred and seventy-seven of the Public Laws of one thousand nine hundred and thirty-one, as amended by Chapter forty-six of the Public Laws of one thousand nine hundred and thirty-three, relating to the division of personnel under the budget bureau, nor of relieving the assistant director of the budget of the duties and responsibilities there prescribed for him.

Construction of Act; effect on certain existing laws.

SEC. 16. It is the intent and purpose of this Act to permit and require the agencies and departments affected hereby to comply with the rules and regulations of the Federal Social Security Board and such other Federal agencies as may be charged with the administration of the Social Security Act, and the rules governing the expenditure of Federal and State Social Security funds in the administration of said laws.

Purpose of Act clarified.

SEC. 17. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 18. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 819

## CHAPTER 379

### AN ACT TO PROVIDE FOR THE PRINTING AND DISTRIBUTION OF SESSION LAWS, SENATE AND HOUSE JOURNALS AND SUPREME COURT REPORTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Secretary of State shall, at the State's expense, as soon as possible after publication, distribute such number of copies of the Public Laws, Public-Local and Private Laws, Senate and House Journals, and Supreme Court Reports to Federal, State and local governmental officials, departments and agencies, and to educational institutions for instructional and exchange use, as is set out in the table below:

Distribution of copies of Public Laws, and other State publications by Secretary of State.

List of officials,  
departments, etc.,  
entitled to copies.

	Public Local Laws	Public- Local and Private Laws	House and Senate Journals	Supreme Court Reports
State Departments and officials:				
State Department- ments and officials.				
Governor .....	3	3	1	1
Lieutenant Governor .....	1	1	1	1
Auditor .....	3	3	1	1
Treasurer .....	3	3	1	1
Secretary of State .....	3	3	1	1
Superintendent of Public Instruction .....	3	3	1	1
Attorney General .....	7	7	1	5
Commissioner of Agriculture .....	3	3	1	1
Commissioner of Labor .....	3	3	1	1
Commissioner of Insurance .....	3	3	1	1
State Board of Health .....	3	3	1	0
State Highway and Public Works Commission .....	3	3	1	1
State Board of Charity and Public Welfare .....	3	3	1	0
Adjutant General .....	2	2	0	0
Commissioner of Banks .....	2	2	0	0
Commissioner of Revenue .....	5	1	0	1
Commissioner of Motor Vehicles .....	1	1	0	0
Utilities Commission .....	3	3	1	3
State School Commission .....	2	2	0	0
State Board of Elections .....	2	2	0	0
Local Government Commission .....	2	2	0	1
Budget Bureau .....	2	0	1	1
State Bureau of Investigation .....	1	0	0	1
Director of Probation .....	2	0	0	1
Commissioner of Paroles .....	2	2	0	1
Department of Conservation and Development .....	3	3	1	0
North Carolina Library Commission .....	2	2	0	0
Veterans' Loan Commission .....	1	1	0	0
Industrial Commission .....	3	3	0	3
State Board of Alcoholic Beverage Control .....	2	2	0	0
Division of Purchase and Contract .....	2	2	0	0
Justices of the Supreme Court .....	1	1	1	1
each		each	each	each
Clerk of the Supreme Court .....	1	1	1	0
Judges of the Superior Court .....	1	1	0	1
each		each		each
Emergency Judges of the Superior Court .....	1	1	0	1
each		each		each

Special Judges of the Superior Court .....	1	1	0	1
each	each		each	
Solicitors of the Superior Courts .....	1	1	0	1
each	each		each	
Unemployment Compensation Commission .....	1	1	1	1
State Employment Service .....	1	0	0	0
State Commission for the Blind ..	1	0	0	1
State Prison .....	1	1	0	0
Western North Carolina Sanatorium .....	1	0	0	0
Eastern North Carolina Sanatorium .....	1	0	0	0
North Carolina Historical Commission .....	1	1	0	0
State Library .....	20	20	20	2
Supreme Court Library .....	as many as re-quested	as many as re-quested	as many as re-quested	as many as re-quested
Supreme Court Reporter .....	0	0	0	1
General Assembly Members and Officials:				General Assembly members and officials.
Representatives of General Assembly .....	1	1	1	0
each	each	each		
State Senators .....	1	1	1	0
each	each	each		
Principal Clerk—Senate .....	1	1	1	0
Reading Clerk—Senate .....	1	1	1	0
Sergeant-at-Arms—Senate .....	1	1	1	0
Principal Clerk—House .....	1	1	1	0
Reading Clerk—House .....	1	1	1	0
Sergeant-at-Arms—House .....	1	1	1	0
Enrolling Clerk .....	1	1	0	0
Engrossing Clerk—House .....	1	1	1	0
Indexer of the Laws .....	1	1	0	0
Schools and Hospitals:				Schools and hospitals.
University of North Carolina at Chapel Hill .....	59	59	54	65
North Carolina State College of Agriculture and Engineering of the University of North Carolina .....	5	1	1	1
Woman's College of the University of North Carolina .....	3	1	1	1

	Duke University .....	25	25	25	25
	Davidson College .....	1	1	1	1
	Wake Forest College .....	5	5	5	7
	Lenoir Rhyne College .....	1	1	1	1
	Elon College .....	1	1	1	1
	Guilford College .....	1	1	1	1
	East Carolina Teachers College ..	1	1	1	1
	Catawba College .....	0	0	0	1
	North Carolina School for the				
	Deaf .....	1	1	0	0
	State Hospital at Raleigh .....	1	1	0	0
	State Hospital at Morganton .....	1	1	0	0
	State Hospital at Goldsboro .....	1	1	0	0
	Caswell Training School .....	1	1	0	0
	School for the Blind and Deaf .....	1	1	0	0
	State Normal School at				
	Fayetteville .....	1	0	0	1
	North Carolina College for				
	Negroes .....	5	5	5	5
Local officials.	Local Officials:				
	Clerks of the Superior Courts ....	1	1	1	1
	each	each	each	each	each
	Sheriffs of the Counties .....	1	1	0	0
	each	each			
	Registers of Deeds of the				
	Counties .....	1	1	1	0
	each	each	each		
	Chairmen of the Boards of				
	County Commissioners .....	1	1	0	0
	each	each			
Federal, out-of-	Federal, Out-of-state, and foreign				
state, and foreign	Officials and Agencies:				
officials and	Secretary to President .....	1	1	0	1
agencies.	Secretary of State .....	1	1	1	1
	Secretary of War .....	1	1	0	1
	Secretary of Navy .....	1	1	0	1
	Secretary of Agriculture .....	1	1	0	1
	Attorney General .....	1	1	0	1
	Postmaster General .....	1	1	0	1
	Marshal of United States				
	Supreme Court .....	1	1	0	1
	Department of Justice .....	1	1	0	1
	Bureau of Census .....	1	1	0	1
	Treasury Department .....	1	1	0	1
	Department of Internal Revenue ..	1	1	0	1
	Department of Labor .....	1	1	1	1
	Bureau of Public Roads .....	1	1	0	1
	Department of Commerce .....	1	1	1	1
	Department of Interior .....	1	1	0	1
	Veteran's Administration .....	1	1	0	1



Securities and Exchange				
Commission .....	1	1	0	1
Social Security Board .....	1	1	0	1
Works Progress Administration ..	1	1	0	1
Farm Credit Administration .....	1	1	0	1
Library of Congress .....	8	8	2	5
Federal Judges resident in				
North Carolina .....	1	1	0	1
each	each			each
Federal District Attorneys				
resident in North Carolina .....	1	1	0	1
each	each			each
Clerks of Federal Court				
resident in North Carolina .....	1	1	0	1
each	each			each
Chief executives or designated libraries of governments of other states, territories and countries, including Canada, Canal Zone, Porto Rico, Alaska and Philippine Islands, pro- vided such governments ex- change publications with the Supreme Court Library .....				
each		0	0	1
each				each

Upon his appointment or election each Justice of the Supreme Court shall receive for his private use one complete and up-to-date set of the Reports of the Supreme Court. The copies of Reports furnished each Justice as set out in the table above may be retained by him personally to enable him to keep up-to-date his personal set of Reports.

Complete sets of Supreme Court Reports for Justices.

One copy each of the Public Laws, the Public-Local Laws and the Supreme Court Reports shall be furnished the head of any department of State government created in the future.

Publications furnished State Departments created in future.

Five complete sets of the Public Laws, the Public-Local and Private Laws, the Senate and House Journals and the Supreme Court Reports heretofore published, insofar as the same are available and without necessitating reprinting, shall be furnished to the North Carolina College for Negroes.

Publications furnished N. C. College for Negroes.

SEC. 2. The Secretary of State, upon application made by any chartered institution of learning in this State, for which provision is not elsewhere made in this Act, having a library of not less than five thousand volumes, shall furnish and transmit to each of such institutions, to be kept in its library, a copy of all future current Supreme Court Reports, Public-Local and Private Laws of the General Assembly and Journals of both Houses, whenever the same shall be ready for distribution. He

Publications furnished institutions of learning.

shall furnish to each of such institutions, if he have them on hand, or when reprinted or otherwise obtained, one volume each of such of the Supreme Court Reports, Public Laws, Public-Local and Private Laws, and Journals as have not been theretofore furnished.

Apportionment of half bound volumes of Public Laws among Justices of the Peace.

SEC. 3. The Secretary of State shall apportion the fifteen hundred copies of half bound Public Laws among the justices of the peace of the State on a county population basis and distribute them to the justices. The Secretary of State shall notify all the clerks of the Superior Court of the number of copies of Public Laws available for distribution for justices of the peace in their respective counties, and the clerk shall thereupon certify to the Secretary of State the names and post office addresses of a like number of qualified and active justices of the peace thus entitled to receive said Laws.

Sale of additional copies of Laws and Journals.

Price.

SEC. 4. Such Laws and Journals as may be printed in excess of the number directed to be distributed the Secretary of State may sell at such price as he deems reasonable, not exceeding two dollars for full bound copies of the Public Laws; and not exceeding ten per centum in advance of the cost for copies of the Journals.

Sale of Supreme Court Reports.

The Secretary of State shall sell any and all of the Supreme Court Reports, both the current Reports and the reprints, at such price as he deems reasonable, not less than one dollar and fifty cents per volume. The Secretary of State may allow to regular licensed booksellers in this State a discount on Laws, Journals and Supreme Court Reports not exceeding twelve and one-half per centum. All proceeds received from sales made pursuant to this section shall be paid into the State Treasury.

Publications of State officials and department heads, furnished to certain institutions, agencies, etc.

SEC. 5. Every State official and every head of a State department, institution or agency issuing any printed report, bulletin, map, or other publication, shall, on request, furnish copies of such reports, bulletins, maps or other publications to the following institutions in the number set out below:

University of North Carolina at Chapel Hill .....	25 copies;
Duke University .....	25 copies;
Wake Forest College .....	2 copies;
Davidson College .....	2 copies;
North Carolina Supreme Court Library .....	2 copies;
North Carolina College for Negroes .....	5 copies;
Library of Congress .....	2 copies;
and to governmental officials, agencies and departments and to other educational institutions, in the discretion of the issuing official and subject to the supply available, such number as may be requested: Provided that five sets of all such reports, bulletins and publications heretofore issued, insofar as the same are available and without necessitating reprinting, shall be furnished to the North Carolina College for Negroes.	

SEC. 6. (a). That Section seven thousand six hundred and fifty-four of the Consolidated Statutes of one thousand nine hundred and nineteen be amended by deleting the words "and documents" in the eighth line.

C. S. 7654,  
amended, as to  
duties of Secre-  
tary of State.

(b). That Section seven thousand six hundred and fifty-nine of the Consolidated Statutes of one thousand nine hundred and nineteen be amended by deleting the words "and indexed separately" in the seventh line, and by inserting the words "indexed and" after the word "be" and before the word "bound" in the eighth line.

C. S. 7659,  
amended as to  
indexing of laws.

(c). That Section one of Chapter eighty-five of the Public Laws of one thousand nine hundred and twenty-nine be amended by striking out the words and figures "five hundred (500)" in lines five and six and by inserting in lieu thereof the words and figures "six hundred (600)" the purpose and intent of this amendment being to authorize the printing of six hundred (600) copies of the House and Senate Journals.

Ch. 85, Public  
Laws, 1929,  
amended, as to  
printing of  
House and Senate  
Journals.

SEC. 7. That Sections seven thousand six hundred and sixty, seven thousand six hundred and sixty-one, seven thousand six hundred and sixty-two, seven thousand six hundred and sixty-three, seven thousand six hundred and sixty-four, seven thousand six hundred and sixty-five, seven thousand six hundred and sixty-six, seven thousand six hundred and sixty-seven, seven thousand six hundred and sixty-eight, seven thousand six hundred and sixty-nine, and seven thousand six hundred and seventy-two of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, and Sections seven thousand six hundred and sixty-eight (a) and seven thousand six hundred and seventy of Volume three of the Consolidated Statutes, and Section two of Chapter eighty-seven of the Public Laws of one thousand nine hundred and twenty-seven, Section one of Chapter two hundred and eighteen of the Public Laws of one thousand nine hundred and twenty-seven, Section one of Chapter thirty of the Public Laws of one thousand nine hundred and twenty-nine, Section two of Chapter eighty-five of the Public Laws of one thousand nine hundred and twenty-nine, Chapter two hundred and sixty of the Public Laws of one thousand nine hundred and thirty-seven, Chapter two hundred and twenty of the Public Laws of one thousand nine hundred and thirty-nine and House Bill Number thirty-two, ratified on the fourth day of February, one thousand nine hundred and forty-one, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Certain laws  
enumerated, and  
other conflicting  
laws, repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 835

## CHAPTER 380

AN ACT TO APPOINT CERTAIN MEMBERS OF THE  
BOARDS OF EDUCATION OF THE RESPECTIVE COUN-  
TIES OF NORTH CAROLINA, FIX THEIR TERMS OF  
OFFICE, AND LIMIT COMPENSATION AT STATE  
EXPENSE.

*The General Assembly of North Carolina do enact:*

Appointment of  
members of  
County Boards  
of Education.

SECTION 1. That the hereinafter named persons are hereby  
appointed members of the County Boards of Education for the  
several counties in the State as follows, to-wit:

Alamance County.	Alamance—Dr. A. J. Ellington, for a term of six years.
Alexander County.	Alexander—E. E. Lackey, for a term of six years.
Alleghany County.	Alleghany—G. N. Evans.
Anson County.	Anson—K. M. Hardison, for a term of six years.
Ashe County.	Ashe—J. W. Gambill, W. B. Oliver, J. O. Blevins.
Avery County.	Avery—E. C. Guy, J. M. Dearmin, Carl Wiseman.
Beaufort County.	Beaufort—Charles F. Cowell, S. B. Etheridge, Dan M. Windley, Dr. W. T. Ralph, Ottis C. Barr.
Bertie County.	Bertie—
Bladen County.	Bladen—Homer L. Tatum, S. S. Hutchinson, J. Neal Clark, each for a term of four years.
Brunswick County.	Brunswick—Gilbert T. Reid.
Buncombe County.	Buncombe—John M. James, Worth McKinney, A. O. Mooneyham, B. E. Morgan, Glen C. West.
Burke County.	Burke—
Cabarrus County.	Cabarrus—H. E. Cline, R. L. Hartsell, each for a term of six years; Boyd Biggers.
Caldwell County.	Caldwell—V. D. Guire, Davis Tuttle, M. H. Jones, John A. Frazier, E. L. Steele.
Camden County.	Camden—W. I. Sawyer, B. H. Cartwright, L. S. Walston, each for a term of two years. All laws and clauses of laws heretofore enacted with respect to the appointment of the Board of Education of Camden County and the terms of the members of said board be and the same are hereby repealed.
Carteret County.	Carteret—Charles V. Webb, for a term of six years.
Caswell County.	Caswell—J. B. Turner, for a term of six years; V. M. Stephens, for a term of four years; O. A. Powell.

- Catawba—Weaver Man, Richard Boyd, James Howard, Enlow Youder, Ralph Sigmon, John F. Carpenter. Catawba County.
- Chatham—John R. Tally, for a term of six years; C. A. Snipes, for a term of four years. Chatham County.
- Cherokee—J. L. Hall, Lawson Lunsford, Aude Sudderth, B. B. Palmer, J. T. Hayes, John Christy, Mrs. G. W. Cover, Sr. Cherokee County.
- Chowan—Z. T. Evans, W. B. Shepard, T. L. Ward, Fan Lamb, Houghton Wood, S. E. Morris, L. W. Belch. Chowan County.
- Clay—Perry Tipton, for a term of six years; George Jarrett. Clay County.
- Cleveland—O. F. Austell, C. D. Forney, Thurman Hamrick, J. L. Hord, Sr., R. L. Plonk. Cleveland County.
- Columbus—R. J. Lamb, A. L. Griffin, E. W. Fonvielle, R. R. Hinson, R. G. Burns. Columbus County.
- Craven—C. A. Seifert, J. H. West, R. L. Sermons, George W. DeBruhl, J. L. Peterson, J. H. Elliott, Fred H. Whitehurst. Craven County.
- Cumberland—Dr. A. S. Cromartie, for a term of six years. Cumberland County.
- Currituck—I. Tunis Corbell, for a term of six years. Currituck County.
- Dare—Lennon W. Hooper, for a term of four years; E. P. White, J. Hubert Daniels. Dare County.
- Davidson—Ralph H. Wilson, Frank L. Mock, P. L. Feezor, each for a term of four years; Roy Lohr. Davidson County.
- Davie—T. C. Pegram, Mrs. Nannie R. Hayes, G. N. Ward. Davie County.
- Duplin—Chesley Williams, for a term of six years. Duplin County.
- Durham—J. M. Cheek, E. S. Booth, E. L. Tilley, T. O. Sorrell, Joseph W. Spransey. Durham County.
- Edgecombe—M. P. Edwards, S. R. Jenkins, George C. Phillips. Edgecombe County.
- Forsyth—Frank A. Stith, Smith Hagaman, L. A. Reynolds. Forsyth County.
- Franklin—J. D. Morris, Mrs. D. T. Fuller, each for a term of six years. Franklin County.
- Gaston—M. A. Stroup, J. Milton Craig, H. B. Gaston, L. D. Gribble, E. J. Rhyne, F. A. Whiteside. Gaston County.
- Gates—R. E. Williams, H. F. Parker, Mrs. Marion Nixon. Gates County.
- Graham—Roy D. Millsaps, Patton Phillips, each for a term of six years; W. D. Walker, Ray Parsons, each for a term of four years; Charlie Rogers, J. B. Walters. Graham County.
- Granville—B. T. Strother, E. G. Hobgood, each for a term of six years. Granville County.



- Greene County.        Greene—Ed S. Taylor, L. C. Edwards, R. P. Land, W. J. Carraway, A. C. Oakes.
- Guilford County.      Guilford—H. A. Millis, Sidney J. Stern, each for a term of six years.
- Halifax County.      Halifax—R. L. Applewhite, A. G. Willcox, R. O. Rives, Mrs. Anna Kitchin Josey, Mrs. J. T. Thomason, each for a term of two years.
- Harnett County.        Harnett—Mack M. Jernigan, J. C. Senter, Fred S. Thomas.
- Haywood County.      Haywood—Homer V. Cagle, for a term of six years; R. T. Messer, for a term of four years; John Best.
- Henderson County.     Henderson—F. E. Osborne, for a term of six years; G. O. Morgan, for a term of four years; B. B. Massagee.
- Hertford County.      Hertford—George T. Underwood, Thomas N. Charles, Ralph C. Mason.
- Hoke County.          Hoke—A. W. Wood, Carl Riley, A. D. McPhaul, W. M. Monroe, D. B. McFadyen.
- Hyde County.          Hyde—N. Forrest Sears, James W. Miller, George M. Cuthrell.
- Iredell County.        Iredell—S. H. Houston, W. C. Thompson, H. A. Gill.
- Jackson County.        Jackson—Charlie Smith, John Hooper, John Deitz, Hut Middleton, D. H. Stevens.
- Johnston County.      Johnston—C. G. Holt, P. B. Chamblee, each for a term of six years.
- Jones County.          Jones—E. M. Philyaw, for a term of six years; C. J. Banks, for a term of four years; T. F. Lowery.
- Lee County.            Lee—J. A. Overton, for a term of six years.
- Lenoir County.        Lenoir—Robert S. Parker, W. B. Becton, H. L. Sutton, E. C. Taylor, Frank P. White.
- Lincoln County.        Lincoln—
- Macon County.        Macon—G. G. Moore, J. E. Cabe, J. Frank Browning, E. E. Crawford, J. R. Phillips.
- Madison County.      Madison—W. T. Moore, E. Y. Ponder, J. Clyde Brown, each for a term of four years, and they shall constitute the Board of Education of Madison County, and all laws and clauses of laws in conflict herewith are hereby repealed in so far as the same relate to Madison County.
- Martin County.        Martin—George C. Griffin, J. W. Eubanks, Leslie Hardison, each for a term of four years.
- McDowell County.      McDowell—J. B. Johnson, for a term of six years.
- Mecklenburg County.    Mecklenburg—W. B. McClintock, R. G. Eubanks, B. D. Funderburk, Charles L. Barnett, W. E. Potts.

Mitchell—Harper Wilson, for a term of six years; Maloy Griffith, for a term of four years; N. B. Woody. Mitchell County.

Montgomery—Edgar Maness, for a term of six years. Montgomery County.

Moore—J. W. Graham, W. E. Kelly, John F. Taylor, L. B. McKeithan, D. D. McCrimmon. Moore County.

Nash—G. L. Jones, G. E. Beal, John W. Roberson. Nash County.

New Hanover—Dr. J. T. Hoggard, L. T. Landen, J. C. Roe, John A. Marshall, Mrs. C. L. Meister. New Hanover County.

Northampton—L. F. Bradley, J. A. Shaw, J. Wesley Parker, Jr., W. Harry Stephenson, Ben F. Ricks, C. G. Parker, J. G. Madry. Northampton County.

Onslow—W. L. P. Jarman, Fred Parker, I. T. Rawls, Harry B. Moore, W. L. Ketchum, each for a term of two years. All laws and clauses of laws heretofore enacted with respect to the appointment of the Board of Education of Onslow County and the terms of the members of said board be and the same are hereby repealed. Onslow County.

Orange—M. W. Durham, J. S. Compton, C. W. Stanford. Orange County.

Pamlico—J. A. Tingle, Jr., Rowland Styron, M. D. Powers, Preston Spruill, Jarvis Brinson. Pamlico County.

Pasquotank—Dennis S. Morgan, Jarvis Scott, each for a term of two years; Haywood Brite, Buxton White, each for a term of four years; Mrs. P. F. Walston. Pasquotank County.

Pender—D. J. Farrior, C. R. Rogers, J. D. Thompson. Pender County.

Perquimans—S. M. Long, W. E. Dail, D. L. Barber, each for a term of four years. Perquimans County.

Person—E. E. Bradsher, B. G. Crumpton, R. G. Cole, C. T. Hall, W. R. Wilkerson. Person County.

Pitt—W. J. Smith, Jr., R. H. McLawhon, each for a term of six years. Pitt County.

Polk—John M. Williams, Marcus L. Feagan, James P. Egerton, A. G. Miller, W. D. Ledbetter. Polk County.

Randolph—Henry L. Ingram, D. J. Boyles, Charles M. Kennedy, each for a term of four years. Randolph County.

Richmond—J. E. Covington, W. R. Land, each for a term of six years; Dr. W. H. Parsons, for a term of four years. Richmond County.

Robeson—E. T. Lewis, Isham Pittman, R. P. Edwards, Dr. L. J. Moore, J. L. Duncan, A. B. McRae, J. R. Nance, L. E. Hughes. Robeson County.

Rockingham—E. S. Powell, C. P. Wall, J. L. Roberts, T. J. Garret, L. W. Matthews. Rockingham County.

Rowan County.	Rowan—R. L. Lyerly, J. F. Link, each for a term of six years.
Rutherford County.	Rutherford—J. T. Harris, six years.
Sampson County.	Sampson—B. E. Jackson, W. E. Peterson, John C. Warren, J. C. Butler, J. Hamp Lewis.
Scotland County.	Scotland—T. L. Henley, James A. Buie, Edwin Morgan, each for a term of four years.
Stanly County.	Stanly—Franklin H. Shinn, for a term of six years.
Stokes County.	Stokes—J. Van Tuttle, for a term of six years; P. O. Frye, for a term of four years; Dr. G. E. Stone.
Surry County.	Surry—G. C. Hauser, G. W. Scott, P. N. Taylor, W. T. White, C. A. McNeill.
Swain County.	Swain—S. W. Black, W. T. Jenkins, Mrs. Serah Martin, Bob Breedlove, Sidney Queen.
Transylvania County.	Transylvania—T. E. Reed, Dewey Winchester, Mrs. J. K. Mills.
Tyrrell County.	Tyrrell—E. R. Davenport, B. Frank Alexander, Robert L. Spencer.
Union County.	Union—B. Ward Laney, H. Grady Hawfield, T. L. Price, R. P. Stegall, V. A. Moore.
Vance County.	Vance—T. B. Parham, Jr., for a term of six years; John D. Rose, for a term of four years.
Wake County.	Wake—Dr. N. Y. Gulley, for a term of six years; C. V. Whitley, for a term of four years.
Warren County.	Warren—District Number one—J. E. Rooker, Jr.; District Number two—J. J. Nicholson; District Number three—Harry W. Walker; District Number four—Romeo Powell; and District Number five—A. S. Bugg.
Washington County.	Washington—C. N. Davenport, Jr., for a term of six years; Walter H. Paramore, for a term of four years.
Watauga County.	Watauga—J. B. Horton, Clyde Perry, each for a term of four years; Collis Green, Dr. W. A. Deaton, Raleigh Cottrell, each for a term of two years. All laws and clauses of laws heretofore enacted with respect to the appointment of the Board of Education of Watauga County and the terms of the members of said board be and the same are hereby repealed.
Wayne County.	Wayne—Luby R. Jones, for a term of six years; R. L. Cox, for a term of four years.
Wilkes County.	Wilkes—C. O. McNeill, for a term of six years.
Wilson County.	Wilson—Doane Herring, for a term of six years.
Yadkin County.	Yadkin—Paul P. David, O. E. Boles, C. C. Wallace.
Yancey County.	Yancey—W. S. Edwards, Welzie B. Robinson, Alphonso P. Honeycutt, each for a term of two years. All laws and clauses of laws heretofore enacted with respect to the appointment of

of the Board of Education of Yancey County and the terms of the members of said board be and the same are hereby repealed.

SEC. 2. The members of the several county boards of education appointed by this Act shall qualify by taking the oath of office on or before the first Monday in April, one thousand nine hundred and forty-one, and shall, unless otherwise herein provided, hold office for a term of two years from and after the first Monday in April, one thousand nine hundred and forty-one, and until their successors are elected and qualified, and, together with the members of the board of education of the several counties whose terms will not expire on the first Monday in April, one thousand nine hundred and forty-one, shall constitute the board of education of the respective counties.

Qualification of members.

Terms.

SEC. 3. That the per diem and mileage of not exceeding five members of the county board of education of the several counties of the State shall be borne out of the State School Fund; for any number in excess of five, out of the county school fund.

Compensation.

SEC. 4. That this Act shall be in force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. 867

## CHAPTER 381

AN ACT TO AMEND SECTION FOUR THOUSAND ONE HUNDRED AND FIFTY-TWO OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA RELATING TO THE PROBATE OF WILLS OF NON-RESIDENT DECEDENTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four thousand one hundred and fifty-two of the Consolidated Statutes of North Carolina, relating to the allowance, filing and registration of certified copies of wills of non-residents be and the same is hereby amended to read as follows:

C. S. 4152, amended, as to probate of wills of non-resident decedents.

Whenever any will made by a citizen or subject of any other state or country is duly proven and allowed in such state or country according to the laws thereof, a copy or exemplification of such will and of the proceedings had in connection with the probate thereof, duly certified, and authenticated by the clerk of the court in which such will has been proved and allowed, if within the United States, or by any ambassador, minister, consul or commercial agent of the United States under his official seal, when produced or exhibited before the clerk of the Superior Court of any county wherein any property of the testator may be, shall be allowed, filed and recorded in the same manner as if the original and not a copy had been produced, proved and allowed

Certified copy of non-resident's will and foreign probate proceedings, filed and recorded.

Devise of real estate not valid unless will executed according to laws of this State.

Proof of proper execution.

Pending litigation not affected.

before such clerk. But when any will contains any devise or disposition of real estate in this State, such devise or disposition shall not have any validity or operation unless the will is executed according to the laws of this State, and that fact must appear affirmatively from the testimony of a witness or witnesses to such will, or from findings of fact or recitals in the order of probate, or otherwise, in such certified copy or exemplification of the will and probate proceedings, and if it does not so appear, the clerk before whom the copy is exhibited shall have power to issue a commission for taking proofs touching the execution of the will, as prescribed in the preceding section, and the same may be adjudged duly proved, and shall be recorded as herein provided.

SEC. 2. This Act shall not affect pending litigation.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. B. 949

## CHAPTER 382

AN ACT TO AMEND SECTION TWO OF CHAPTER THREE HUNDRED AND ELEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE APPOINTMENT OF A COMMISSION TO STUDY AND DETERMINE THE ADVISABILITY AND FEASIBILITY OF ESTABLISHING A NAUTICAL SCHOOL IN THE STATE OF NORTH CAROLINA, TO EXTEND THE OPERATION OF THE ACT UNTIL JULY THE FIRST, ONE THOUSAND NINE HUNDRED AND FORTY-TWO.

*The General Assembly of North Carolina do enact:*

Ch. 311, Public Laws, 1939, amended, as to time for report as to establishing nautical school in State.

SECTION 1. That Section two of Chapter three hundred and eleven of the Public Laws of one thousand nine hundred and thirty-nine be amended by striking out the words "one thousand nine hundred and forty" between the comma following the word "first" in line two and before the word "setting" in line three of said section, and inserting in lieu thereof the following: "one thousand nine hundred and forty-two,".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.



# RESOLUTIONS

## GENERAL ASSEMBLY

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SESSION, 1941

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S. R. 2

### RESOLUTION 1

JOINT RESOLUTION RELATIVE TO THE INAUGURATION OF GOVERNOR-ELECT AND OTHER STATE OFFICERS.

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That a committee of two on the part of the Senate, to be selected by the Lieutenant-Governor, and of three on the part of the House, to be selected by the Speaker, be appointed to coöperate with the committee appointed by the City of Raleigh and local organizations to arrange for the details incident to the inaugural ceremonies of Governor-elect Broughton and other State officers.

Joint Committee appointed to coöperate in arrangements for inauguration.

SEC. 2. That the sum of two thousand dollars, or so much thereof as may be necessary, be, and is hereby, appropriated to cover the expenses incident to the inauguration, and the Auditor is hereby authorized and directed to issue warrants upon the Treasurer payable to the chairman of the said Senate committee for such inauguration expenses as he may approve, not to exceed in the aggregate the amount above named.

\$2,000.00 appropriated for expenses.

Warrants issued for approved expenses.

SEC. 3. This Resolution shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of January, 1941.

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S. R. 3

### RESOLUTION 2

A JOINT RESOLUTION INFORMING HIS EXCELLENCY, THE GOVERNOR, THAT THE GENERAL ASSEMBLY IS READY TO PROCEED WITH PUBLIC BUSINESS.

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That a committee of two on the part of the Senate and three on the part of the House of Representatives be appointed to notify His Excellency, the Governor, that the Gen-

Committee appointed to notify Governor of organization of Assembly.

eral Assembly is organized and now ready to proceed with public business, and invite him to deliver any messages that he may have, in person or in writing.

SEC. 2. That this Resolution shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of January, 1941.

#### S. R. 4

#### RESOLUTION 3

A JOINT RESOLUTION ENDORSING AND APPROVING THE RECOMMENDATIONS OF THE PRESIDENT OF THE UNITED STATES, FRANKLIN DELANO ROOSEVELT, ADVOCATING PREPAREDNESS FOR NATIONAL DEFENSE AND AID TO GREAT BRITAIN AND OTHER DEMOCRACIES, AND PLEDGING THE SUPPORT OF THE STATE OF NORTH CAROLINA.

Preamble:  
U. S. prepared-  
ness and aid to  
Great Britain  
advocated by  
President Roose-  
velt.

WHEREAS, the President of the United States, Franklin Delano Roosevelt, on Sunday, the twenty-ninth day of December, one thousand nine hundred and forty, addressed the people of the United States and of the world by radio, advocating complete preparedness by the United States for national defense and unlimited aid, short of war, to Great Britain and other democracies, in resisting the totalitarian aggressor nations of Germany, Italy, and Japan; and

President's rec-  
ommendations to  
Congress.

WHEREAS, upon the convening of the Seventy-seventh Session of Congress of the United States, in his message on the State of the Union, the President of the United States, Franklin Delano Roosevelt, presented to the Congress of the United States his recommendations for preparedness for national defense and all possible aid, short of war to Great Britain and other democracies; and

President sup-  
ported by N. C.  
people.

WHEREAS, the people of North Carolina, whole-heartedly support the President in the recommendations made by him in respect to these matters:

*Now, therefore, be it resolved by the Senate, the House of Representatives concurring:*

President's rec-  
ommendations  
commended and  
approved.

SECTION 1. That the General Assembly of North Carolina in session in the City of Raleigh, in keeping with the sentiment of the people of this State and as recommended by Governor J. Melville Broughton in his Inaugural Address, do hereby commend and approve the recommendations of the President of the United States, Franklin Delano Roosevelt, for preparedness and national defense and all possible aid, short of war, to Great Britain and other democracies, in defending themselves against

the totalitarian aggressor nations of Germany, Italy, and Japan, and by this Joint Resolution assure the President of the complete support of his program by the people of North Carolina.

N. C. support assured.

SEC. 2. That a copy of this Joint Resolution shall be sent to the President of the United States, a copy sent to each of the two Senators from North Carolina, and each North Carolina member of the House of Representatives. A copy shall likewise be sent the President of the United States Senate and a copy to the Speaker of the House of Representatives of the United States.

Resolution copies ordered sent to President and others.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of January, 1941.

### H. R. 3

### RESOLUTION 4

A JOINT RESOLUTION PROVIDING FOR THE MEETING OF THE GENERAL ASSEMBLY AT CHAPEL HILL ON JANUARY THIRTIETH, ONE THOUSAND NINE HUNDRED FORTY-ONE.

WHEREAS, one hundred thirty educators, public officials, editors, industrial, professional, and agricultural leaders, and students of the various republics of South America will spend six weeks in January and February at Chapel Hill engaged in the study of governmental, economic, social agricultural, and industrial conditions and policies in North America; and

Preamble: Representative South American citizens to study at Chapel Hill.

WHEREAS, in furtherance of the national policy of goodwill and neighborliness between this country and those of South America these South American countries selected the University of North Carolina as their host because of its typically American agricultural and industrial locale; and

U. N. C. selected as host to further goodwill policy.

WHEREAS, the University of North Carolina is the oldest state university and many of our early governmental leaders either attended the University or were connected with it as teachers and administrative officers; and

Early government leaders connected with or students at U. N. C.

WHEREAS, the citizens of Chapel Hill have selected January thirtieth (the birthday of President Franklin D. Roosevelt) as the date of an official welcome to the South American visitors:

January 30th set for official welcome.

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

That the General Assembly shall on the twenty-ninth day of January, one thousand nine hundred and forty-one, adjourn

Meeting of General Assembly at Chapel Hill.

its sitting to Chapel Hill and there transact its business for the day of the thirtieth of January thereafter; and

Governor and  
other officials  
invited.

*Be it further resolved*, that we respectfully invite His Excellency, the Honorable J. M. Broughton, Governor of our State, and all elective State officers, to accompany the General Assembly to Chapel Hill, that the public officers of North Carolina may indicate to these distinguished South American neighbors our interest in, and sympathy for, their efforts in behalf of the preservation and improvement of the American way of life on our two continents.

In the General Assembly read three times and ratified, this the 14th day of January, 1941.

## S. R. 7

## RESOLUTION 5

A JOINT RESOLUTION EXPRESSING SYMPATHY AND RESPECT FOR HONORABLE HERMAN SCOTT ON ACCOUNT OF THE DEATH OF HIS FATHER.

Preamble:  
Death of father  
of Hon. Her-  
man Scott.

WHEREAS, the General Assembly of North Carolina has learned with deep regret of the death of the father of Honorable Herman Scott:

*Now, therefore, be it resolved by the Senate, the House of Representatives concurring:*

Sympathy ex-  
tended to family.

SECTION 1. That the members of the General Assembly having learned of the death of the father of Honorable Herman Scott, who is now Sergeant-at-Arms of the Senate, do express their deepest sympathy to Mr. Scott and his bereaved family in this hour of sorrow.

Copy of Resolu-  
tion to family.

SEC. 2. That a copy of this Resolution be forwarded to Mr. Scott and his family.

SEC. 3. That this Resolution shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of January, 1941.

## H. R. 27

## RESOLUTION 6

A JOINT RESOLUTION TO AUTHORIZE AND PROVIDE FOR THE PRINTING OF THE GOVERNOR'S INAUGURAL ADDRESS AND BUDGET MESSAGE TO THE GENERAL ASSEMBLY.

Printing and dis-  
tribution of in-  
augural Address  
and Budget Mes-  
sage.

*Resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That two thousand copies of the Inaugural Address and Budget Message of His Excellency, J. Melville

Broughton, Governor of North Carolina, be forthwith printed and delivered at the Governor's office for such distribution of the same as he may desire to make.

SEC. 2. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of January, 1941.

H. R. 33

## RESOLUTION 7

A JOINT RESOLUTION AUTHORIZING THE MEMBERS OF THE HOUSE AND SENATE COMMITTEES ON INTERSTATE COOPERATION TO ATTEND THE FIFTH GENERAL ASSEMBLY OF THE COUNCIL OF STATE GOVERNMENTS IN WASHINGTON, DISTRICT OF COLUMBIA.

WHEREAS, the Fifth General Assembly will be held at the Mayflower Hotel, Washington, District of Columbia, Tuesday, Wednesday and Thursday, January twenty-first, twenty-second and twenty-third, one thousand nine hundred and forty-one, to deliberate upon important interstate problems requiring coöperative action by the States with each other, and with the Federal Government, and

Preamble:  
Meeting of Fifth  
General Assembly  
of Council of  
State Govern-  
ments.

WHEREAS, the Fifth General Assembly offers an opportunity for the consideration by the delegates of all matters requiring coöperative action, and

Opportunity to  
consider matters  
for coöperative  
action.

WHEREAS, it is believed that substantial benefits would result from this State's representation at the Fifth General Assembly, and that such Assembly offers a means of surmounting obvious difficulties arising in governmental activities due to the absence of facilities for conference between governmental units, and

Substantial bene-  
fits from State's  
representation.

WHEREAS, under Chapter three hundred and seventy-four of the Public Laws of one thousand nine hundred and thirty-seven, provision is made for the appointment of a standing committee of the House of Representatives to be known as the House Committee on Interstate Coöperation, consisting of five members appointed by the Speaker, the Speaker being ex officio an honorary member thereof, and

Standing House  
Committee on In-  
terstate Coöpera-  
tion.

WHEREAS, like provision is made for the appointment of a standing committee of the Senate to be known as the Senate Committee on Interstate Coöperation, consisting of five Senators appointed by the President of the Senate, the President of the Senate being ex officio an honorary member thereof, and

Standing Senate  
Committee on In-  
terstate Coöpera-  
tion.



N. C. Commission  
on Interstate  
Coöperation.

WHEREAS, the members of said committees constitute, with the Governor's Committee, the North Carolina Commission on Interstate Coöperation, and

Committee  
members invited  
to attend Council  
meeting.

WHEREAS, the members of said committees are urgently invited to attend the Fifth General Assembly of the Council of State Governments hereinbefore referred to,

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

Members of Com-  
mittees on Inter-  
state Coöperation  
authorized to  
attend Council  
meeting.

SECTION 1. That the members of the Senate and House Committees on Interstate Coöperation are hereby authorized to attend the Fifth General Assembly of the Council of State Governments meeting in Washington, District of Columbia, on January twenty-first, twenty-second and twenty-third, one thousand nine hundred and forty-one, and the members of said committees so attending shall be entitled to reimbursement for actual travel and reasonable subsistence expenses incurred in attending said meeting, to be paid out of the appropriation for legislative expenses upon presentation to the Budget Bureau of a proper statement of such expenses.

Provision for  
payment of  
expenses.

Reports on  
problems of  
interstate  
coöperation.

SEC. 2. That the said committees, through the chairmen thereof respectively, shall make such report to the House of Representatives and the Senate respectively as may be deemed proper on the problems of interstate coöperation, said report to be made within ten days after the return of said delegation.

SEC. 3. This Joint Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of January, 1941.

H. R. 53

## RESOLUTION 8

A JOINT RESOLUTION DESIGNATING JANUARY TWENTY-THIRD TO JANUARY THIRTY-FIRST AS PEANUT WEEK IN NORTH CAROLINA.

Preamble:  
Concerted effort  
to increase  
peanut  
consumption.

WHEREAS, there is a concerted effort being made by the producers and merchants and other citizens in Eastern North Carolina to move a large crop of peanuts in this State into the channels of edible consumption in this and other states; and

Peanut crop  
increase.

WHEREAS, there is an estimated crop production of peanuts in this State of three hundred and twenty-five million pounds, which is approximately twelve per cent larger than the crop in one thousand nine hundred and thirty-nine; and

WHEREAS, the farm value of this crop in this State approximates about five per cent of the total North Carolina farm income; and

Relative value of peanut crop.

WHEREAS, the National Peanut Council, in conjunction with the Growers Peanut Coöperative Association, Dean I. O. Schaub of North Carolina State College, and a large number of railroads and independent food merchants and the National Association of Food Chains have entered into an extensive radio and newspaper advertisement of the peanut industry in this and other states; and

Advertisement of peanut industry.

WHEREAS, this activity on the part of industry and organizations and persons mentioned above will greatly encourage this project:

Encouragement of project.

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the General Assembly of North Carolina do hereby designate January twenty-third to January thirty-first as Peanut Week in this State.

Designation of Peanut Week.

SEC. 2. That the General Assembly do request and call upon the citizens of North Carolina to give all possible support and encouragement to this campaign and program.

Request for citizens' support.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of January, 1941.

H. R. 106

## RESOLUTION 9

A JOINT RESOLUTION EXPRESSING SYMPATHY UPON THE DEATH OF FRANCIS DONNELL WINSTON, FORMER MEMBER OF THE GENERAL ASSEMBLY, AND APPOINTING A JOINT COMMITTEE TO ATTEND THE FUNERAL.

WHEREAS, Francis Donnell Winston, well known as "The Grand Old Man of Bertie," a former member of the House of Representatives from Bertie County, and a former Lieutenant Governor of North Carolina, died January twenty-eighth, one thousand nine hundred and forty-one at the ripe old age of eighty-three, having rendered valuable service to the State of North Carolina in many official capacities; and

Preamble:  
Death of Francis Donnell Winston.

WHEREAS, the State of North Carolina in his passing has lost one of its best known and most valuable citizens; and

State's loss of valuable citizen.

WHEREAS, it is the desire of the General Assembly of North Carolina to express sympathy to his widow and relatives in their loss and sorrow at his passing:

Expression of sympathy desired.

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

Prominent  
citizen lost in  
death of Francis  
D. Winston.

FIRST. That in the death of Francis Donnell Winston the State of North Carolina has lost one of its best known and beloved citizens.

Sympathy  
extended.

SECOND. That we extend our deepest sympathy to his widow and relatives in their loss and bereavement.

Appointment of  
funeral  
committee.

THIRD. That a joint committee consisting of five members from the House of Representatives and three members from the Senate be appointed to attend the funeral.

Copy of resolution  
to widow.

FOURTH. That a copy of this Resolution be furnished to Mrs. Rosa K. Winston, his widow.

FIFTH. That this Resolution be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of January, 1941.

## H. R. 122

## RESOLUTION 10

JOINT RESOLUTION FELICITATING TO HIS EXCELLENCY, FRANKLIN DELANO ROOSEVELT, PRESIDENT OF THE UNITED STATES, UPON THE OCCASION OF HIS FIFTY-NINTH BIRTHDAY.

Preamble:  
Observance of  
President  
Roosevelt's  
birthday.

WHEREAS, President Franklin Delano Roosevelt, the world's greatest humanitarian of all times, is today\* celebrating his fifty-ninth birthday, which occasion is observed throughout these United States as a special day for the relief of human suffering and especially relief from that dreaded disease infantile paralysis; and

Roosevelt,  
President of  
World's greatest  
nation.

WHEREAS, President Roosevelt now presides over the greatest Nation in the world in these crucial times of history and epoch making events:

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

Expression of  
felicitations to  
President  
Roosevelt.

SECTION 1. That the General Assembly of North Carolina hereby expresses its heartiest and best wishes to President Franklin Delano Roosevelt on the occasion of his fifty-ninth birthday.

Copy of  
Resolution to  
President.

SEC. 2. That a copy of this Resolution be sent to President Franklin Delano Roosevelt.

In the General Assembly read three times and ratified, this the 4th day of February, 1941.

\*Resolution introduced and adopted, January 30, 1941.

H. R. 123

## RESOLUTION 11

JOINT RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF NORTH CAROLINA, THE SENATE CONCURRING, INVITING MAYOR JOHN M. FOUSHEE, GOVERNOR J. M. BROUGHTON AND DR. VICTOR ANDRES BELAUNDE TO ADDRESS THE JOINT SESSION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA.

WHEREAS, The General Assembly of North Carolina is meeting in Chapel Hill to observe North Carolina-South American Day.

Preamble:  
Meeting of  
General Assembly  
at Chapel Hill.

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the said Mayor John M. Foushee, Governor J. M. Broughton and Dr. Victor Andres Belaunde are hereby invited to address a joint session of the Senate and House of Representatives at twelve-thirty P.M., Thursday, January thirtieth, one thousand nine hundred and forty-one.

Governor and  
other notables  
invited to address  
Assembly.

SEC. 2. That this resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1941.

S. R. 92

## RESOLUTION 12

A JOINT RESOLUTION CONCERNING THE DEATH AND SERVICES OF THE HONORABLE THOMAS WILLIAMS MASON LONG, LONG A MEMBER OF THE GENERAL ASSEMBLY OF NORTH CAROLINA, IN THE HOUSE AND IN THE SENATE.

WHEREAS, the untimely passing of Dr. Thomas Williams Mason Long a member of the present Senate branch of the General Assembly of North Carolina, which is now weighing heavily upon the minds of all his colleagues and in order to preserve a record of his services to humanity and to his State in many ways of activities and services,

Preamble:  
Untimely death  
of Dr. T. W. M.  
Long.

*Now, therefore, be it resolved by the Senate, the House of Representatives concurring:*

That in the death of Dr. Long, not only of the legislative branch of the government, but the State of North Carolina and a host of its citizens have experienced a loss and are now overwhelmed in sorrow at the termination of such services, we the Legislature of North Carolina do express our highest appreciation of him as citizen, as an official and as a member of this General Assembly. "Dr. Tom," as he was affectionately called by those who knew him, was born fifty-five years ago in the

Expression of  
esteem for Dr.  
Long and sorrow  
at his death.

Birth.

Noble ancestry.	County of Northampton. A scion of noble ancestry whose names and records both maternal and paternal are emblazoned upon the record of North Carolina citizenship in many high offices, both executive, judicial and legislative. He was a worthy son of a noble ancestry and his career emphasized in the highest degree those attributes that mark a man above the ordinary, as a physician devoted to the teachings of his profession, he not only preserved the best traditions of his noble calling, but exemplified in a higher degree the teachings of the greatest Physician of all. A student at the University of North Carolina and in medical colleges, he pursued the prescribed course with attention and application to a very great degree imbibing those essential and basic teachings upon which his noble profession was built. In one thousand nine hundred and thirty-one the people of his county sent him to the Legislature of that year as a member of the House. In one thousand nine hundred and thirty-three, in one thousand nine hundred and thirty-seven, and again in one thousand nine hundred and thirty-nine he was honored by his constituents by a seat in the Senate of the General Assembly of North Carolina. He rendered eminent and valuable service as a Legislator, as an administrator, and officer in various capacities especially in the charitable institutions and has won by his efforts the esteem and love of all those with whom he came in contact. A devoted husband, a loving father, his loss to his family cannot be expressed by words and his loss to the State of North Carolina wherein he obtained a large part of the affection of its entire citizenship is one that cannot be replaced, his wisdom, activities and his untiring efforts to serve in all his capacities was characteristic. Words are inadequate to express our feeling of regret or to convey our sympathy to those bereaved by his passing. All in all he was a man, gentle and kind, his like shall not soon be seen again.
Career as physician.	
Apt student.	
Service in General Assembly.	
Other service.	
Great loss to State.	
Expression of sympathy.	
Copy of resolution to family and to press.	<i>Be it further resolved</i> , that a copy of this Resolution be furnished to his devoted wife and members of his family, and also that the public press be given an opportunity to present it to the public.

This Resolution shall be in full force and effect from and after its adoption and ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1941.



H. R. 162

## RESOLUTION 13

A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES TUESDAY, FEBRUARY EIGHTEENTH, ONE THOUSAND NINE HUNDRED AND FORTY-ONE, TO COMMEMORATE THE FIFTIETH ANNIVERSARY OF THE FOUNDING OF THE WOMAN'S COLLEGE OF THE UNIVERSITY OF NORTH CAROLINA.

WHEREAS, the Woman's College of the University of North Carolina was founded on the eighteenth day of February, one thousand eight hundred and ninety-one by ratification by the General Assembly of North Carolina of the Act providing for the establishment of same; and

Preamble:  
Founding of  
Woman's College  
of U. N. C.

WHEREAS, under the inspired and inspiring leadership of Charles D. McIver, Julius I. Foust, Walter C. Jackson, and Frank P. Graham, said college has continued to advance for fifty years in academic prestige until now it is recognized throughout the length and breadth of this nation as one of the great institutions of learning for women; and

Recognition in  
nation as great  
institution.

WHEREAS, said college has been for a half century a quickening influence in the State of North Carolina as a whole, a cultural and moral force which has made a deep impression upon our people, a democratic institution which has at all times in its history been able to broaden its facilities to meet the changing needs of a rapidly changing society; and

Influence in  
State.

WHEREAS, said Woman's College, its faculty and student body, and the people of North Carolina are celebrating during the years one thousand nine hundred and forty-one and one thousand nine hundred and forty-two the fiftieth anniversary of the founding of said college, rejoicing in the fulfillment of the aims of its founders, and realizing that said institution is faithfully and enthusiastically devoting itself to its primary function of educating the young women of North Carolina; and

Celebration of  
50th anniversary  
of founding.

WHEREAS, it is the desire of the General Assembly of North Carolina, as the father of the Woman's College of the University of North Carolina, to join with the people of the State in paying tribute to said institution on its fiftieth anniversary by inviting representatives of said college to address a joint session:

Desire of General  
Assembly to join  
in paying tribute.

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That a joint meeting of the Senate and House of Representatives be held at eleven o'clock, A.M., Tuesday, February eighteenth, one thousand nine hundred and forty-one, in the Hall of the House of Representatives, which joint meeting shall not last for more than one hour, for the pur-

Joint session  
called to honor  
Woman's  
College.

pose of honoring the Woman's College of the University of North Carolina on its fiftieth anniversary.

Persons invited to address joint session.

SEC. 2. That the following, representing the Woman's College of the University of North Carolina, be invited to address said joint session: Honorable J. Melville Broughton, Governor of North Carolina; Miss Harriett Elliott; Dr. Frank P. Graham, President of the Greater University of North Carolina; Dr. Walter C. Jackson, Dean of Administration; Mrs. C. F. Tomlinson, President of the Alumnae Association; Miss Elizabeth Patten, President of the Student Body; and Honorable L. P. McLendon, Trustee.

Appointment of committee on arrangements.

SEC. 3. That a committee of three from the House and two from the Senate, to be appointed by the respective presiding officers thereof, be authorized and directed to extend the invitations provided for hereinbefore, and to make all necessary arrangements for said joint meeting.

SEC. 4. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1941.

## H. R. 182

## RESOLUTION 14

A JOINT RESOLUTION TO MOVE THE SITTINGS OF THE GENERAL ASSEMBLY OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE TO ELIZABETH CITY, PASQUOTANK COUNTY, NORTH CAROLINA, FOR ONE DAY.

Preamble:  
Pasquotank  
County of  
historical  
interest.

WHEREAS, the County of Pasquotank is rich in historical interest of the State; and

First legislative  
meeting in State  
at Hall's Creek.

WHEREAS, the initial law making body in North Carolina, the Albemarle County Assembly, first met in the year one thousand six hundred and sixty-five at Hall's Creek in what is now Pasquotank County; and

Scene of early  
colonial  
settlement.

WHEREAS, Pasquotank County is the scene of one of the very earliest settlements of the original thirteen colonies; and

Residence of men,  
prominent in  
early history.

WHEREAS, in or about the City of Elizabeth City in Pasquotank County many of the prominent men of our earlier history resided; and

Invitation to hold  
legislative  
meeting in  
Elizabeth City.

WHEREAS, through our Senators and Representatives, the people of Elizabeth City and Pasquotank County, a cordial invitation has been extended to this Legislature to hold a one day meeting during this session in the historic City of Elizabeth City in Pasquotank County:

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the presiding officers of the Senate and the House agree upon a day during this Session when the Legislature shall adjourn its sitting to Elizabeth City and there transact its business for one day.

Meeting of  
Legislature at  
Elizabeth City.

SEC. 2. *Be it further resolved*, that we respectfully invite His Excellency, The Honorable J. Melville Broughton, Governor of our State, to accompany the Legislature to Elizabeth City in order that the executive and legislative bodies of North Carolina may indicate their interest in the historic significance of this the great eastern section of the State, and their appreciation of the contribution which our forbears made in the formation and development thereof in colonial days.

Governor invited  
to accompany  
Legislature to  
Elizabeth City.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1941.

H. R. 259

## RESOLUTION 15

A JOINT RESOLUTION INVITING THE HONORABLE J. MELVILLE BROUGHTON, GOVERNOR OF NORTH CAROLINA, AND THE HONORABLE J. C. B. EHRLINGHAUS, FORMER GOVERNOR OF NORTH CAROLINA, TO ADDRESS THE JOINT SESSION OF THE GENERAL ASSEMBLY AT THE SESSION TO BE HELD IN ELIZABETH CITY IN PASQUOTANK COUNTY ON FEBRUARY TWENTY-SIXTH, ONE THOUSAND NINE HUNDRED AND FORTY-ONE.

WHEREAS, the presiding officers of the Senate and House of Representatives of the General Assembly, pursuant to a Resolution duly adopted, have agreed that the Legislature shall adjourn its sittings to Elizabeth City in Pasquotank County and there transact its business for the day of February twenty-sixth, one thousand nine hundred and forty-one; and

Preamble:  
Legislature to  
adjourn sittings  
to Elizabeth City,  
February 26,  
1941.

WHEREAS, the General Assembly of North Carolina desires that the Honorable J. Melville Broughton, Governor of North Carolina, and the Honorable J. C. B. Ehringhaus, former Governor of North Carolina, a distinguished native son of Pasquotank County, address a Joint Session of the General Assembly:

Addresses by  
Governor and  
former Governor,  
desired.

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the Honorable J. Melville Broughton, Governor of North Carolina, and the Honorable J. C. B. Ehring-

Governor and  
former Governor  
invited to  
address Assembly.

haus, former Governor of North Carolina, be, and they are hereby, invited to address a Joint Session of the General Assembly at such time on February twenty-sixth, one thousand nine hundred and forty-one, as shall be fixed by the committee hereinafter appointed.

Joint committee  
to extend  
invitation.

SEC. 2. That a committee of two from the Senate, to be appointed by the President, and three from the House, to be appointed by the Speaker, to extend this invitation.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

H. R. 260

## RESOLUTION 16

A JOINT RESOLUTION INVITING THE FORMER GOVERNORS OF THE STATE OF NORTH CAROLINA AND THE MEMBERS OF THE COUNCIL OF STATE AND THEIR WIVES TO ATTEND THE MEETING OF THE GENERAL ASSEMBLY AT ELIZABETH CITY AS HONOR GUESTS OF ELIZABETH CITY AND PASQUOTANK COUNTY.

Preamble:  
First Assembly  
meeting in State  
at Little River,  
Pasquotank  
County.

WHEREAS, in the early spring of one thousand six hundred and sixty-five the first Assembly of North Carolina was held on the plantation of Richard Sanderson at Little River in Pasquotank County, and gave voice, even thus early, to the independent sentiments of the little settlement where had even then begun a pure democracy, the entire body of the inhabitants acting for themselves and not through the instrumentality of representatives; and

"Culpepper's  
Rebellion."

WHEREAS, it was John Culpepper of Pasquotank, who, along with George Durant, staged in one thousand six hundred and seventy-seven what is still known to history as "Culpepper's Rebellion," a rebellion against foreign imposed trade regulations, and during the course of which the Royal Governor himself was seized and imprisoned; and

"Remonstrances  
of the Inhabitants  
of Pasquotank,"  
adopted in county,  
in 1677.

WHEREAS, it was in Pasquotank County on December third, one thousand six hundred and seventy-seven, that the famous "Remonstrances of the Inhabitants of Pasquotank" were adopted, under which the citizens openly averred their reasons for such revolutionary conduct to be that thereby the county might have a free parliament; and

First public  
school in  
State.

WHEREAS, it was in this county that Charles Griffin opened the first public school in North Carolina; and

WHEREAS, by Joint Resolution duly adopted the Legislature has accepted the very cordial invitation of the people of Elizabeth City and Pasquotank County to have a one-day meeting of the General Assembly in the historic City of Elizabeth City in Pasquotank County on February twenty-sixth, one thousand nine hundred and forty-one; and

Invitation to hold legislative meeting in Elizabeth City, accepted.

WHEREAS, the people of Elizabeth City and Pasquotank County have also invited the former Governors of this State, the members of the Council of State, the Legal Adviser to the Council of the State, and their wives, to attend this one day session of the General Assembly as honor guests of Elizabeth City and of Pasquotank County:

Notables invited to attend session as honored guests.

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That Honorable Cameron Morrison, Honorable O. Max Gardner, Honorable J. C. B. Ehringhaus, and Honorable Clyde R. Hoey, former Governors of North Carolina, and Mrs. Cameron Morrison, Mrs. O. Max Gardner, Mrs. J. C. B. Ehringhaus, and Mrs. Clyde R. Hoey, wives of said former Governors, and Honorable Thad Eure, Honorable George Ross Pou, Honorable Charles M. Johnson, and Honorable Clyde A. Erwin, members of the Council of State, and Mrs. Thad Eure, Mrs. George Ross Pou, Mrs. Charles M. Johnson, and Mrs. Clyde A. Erwin, wives of the members of the Council of State, and Attorney General Harry McMullan, Legal Adviser to the Council of State, and Mrs. Harry McMullan, be, and they are hereby, invited to accompany the Legislature to Elizabeth City, February twenty-sixth, one thousand nine hundred and forty-one, as honor guests.

Former Governors, and other notables invited to accompany legislature.

SEC. 2. That a committee of two from the Senate be appointed by the President of the Senate, and three from the House, to be appointed by the Speaker, to extend this invitation.

Joint committee to extend invitation.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

H. R. 443

## RESOLUTION 17

A JOINT RESOLUTION COMMENDING THE SENIOR SENATOR FROM NORTH CAROLINA IN THE UNITED STATES SENATE, THE HONORABLE JOSIAH WILLIAM BAILEY, FOR HIS CHAMPIONSHIP OF THE LEND-LEASE BILL.

WHEREAS, the Senior Senator from North Carolina in the United States Senate, Honorable Josiah William Bailey, on Wednesday, February nineteenth, one thousand nine hundred

Preamble: Lend-Lease Bill supported by U. S. Senator J. W. Bailey.



and forty-one, championed the cause of Democracy and of America by vigorously and ably supporting the passage of the Lend-Lease Bill now pending in the United States Senate, in a well prepared and excellently delivered address on the subject on the floor of the United States Senate; and

Policy of aid to Great Britain, approved.

WHEREAS, the policy of aid to Great Britain, short of war, was approved by a majority of the people of this nation at the general election in November, one thousand nine hundred and forty; and

Position of Senator, approved.

WHEREAS, the position taken by the Senior Senator from North Carolina has the approval of a great majority of the people of the State which he represents in the United States Senate; and

Fitting for Assembly to commend Senator.

WHEREAS, it is entirely fitting and proper that this General Assembly take occasion to commend the said Senior Senator for his stand on this most important legislation:

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

Action of Senator Bailey, commended.

SECTION 1. That the General Assembly of the State of North Carolina hereby commends and endorses the worthy action of the Senior Senator from this State, as hereinbefore set forth.

Copy of resolution to Senators and Representatives in Federal Congress.

SEC. 2. That copies of this Resolution be communicated to each of the two Senators from North Carolina in the United States Senate, and to each member of the House of Representatives from North Carolina in the Federal Congress.

SEC. 3. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

#### H. R. 444

#### RESOLUTION 18

A JOINT RESOLUTION INVITING THE MAYOR OF ELIZABETH CITY AND OTHER DISTINGUISHED CITIZENS TO ADDRESS THE GENERAL ASSEMBLY AT ELIZABETH CITY, FEBRUARY TWENTY-SIXTH, ONE THOUSAND NINE HUNDRED AND FORTY-ONE.

*Be it resolved by the House of Representatives, the Senate concurring:*

Mayor and other notables of Elizabeth City invited to address Assembly.

SECTION 1. That Honorable Jerome B. Flora, Mayor of Elizabeth City, Honorable John H. Hall, Honorable Walter W. Cohoon, and Honorable John B. McMullan be invited to address the joint session of the General Assembly in Elizabeth City on

February twenty-sixth, one thousand nine hundred and forty-one.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

H. R. 491

## RESOLUTION 19

A JOINT RESOLUTION OF THE GENERAL ASSEMBLY EXPRESSING APPRECIATION TO THE CITIZENS OF ELIZABETH CITY AND PASQUOTANK COUNTY AND COMMITTEES FOR THE HOSPITALITY AND CONSIDERATION SHOWN ON THE OCCASION OF THE MEETING IN JOINT SESSION OF THE GENERAL ASSEMBLY IN SAID CITY.

WHEREAS, two hundred and seventy-six years ago, the first Assembly of the Representatives of the people of North Carolina, then known as the Albemarle County Assembly, convened at Hall's Creek in what is now Pasquotank County, North Carolina; and

Preamble:  
First Assembly  
meeting in  
State at Hall's  
Creek.

WHEREAS, in commemoration of this historic event, the General Assembly of North Carolina was extended an invitation by Elizabeth City and Pasquotank County, through their Representative and Senators in the General Assembly of North Carolina, to wit, Honorable F. Webb Williams, the Representative, and the Honorable Merrill Evans and the Honorable Herbert Leary, Members of the State Senate, to meet in Joint Session in Elizabeth City on this, the twenty-sixth day of February, one thousand nine hundred and forty-one; and

Invitation  
extended  
General Assembly  
to meet one day  
in commemora-  
tion of event.

WHEREAS, the General Assembly of North Carolina, representing the democratic institution of free government, accepted such invitation as an expression on behalf of the people of the State in renewal of their faith in the principles of representative government, and adopted a resolution to convene in Joint Session at or near the site of the first Representative Assembly held in what is now known as the State of North Carolina; and

Invitation to  
meet near site  
of first Assembly,  
accepted.

WHEREAS, said visit to Elizabeth City and the Albemarle Section of North Carolina by the said General Assembly has been characterized by the general hospitality of the people of Pasquotank County and Elizabeth City which hospitality has been thoroughly enjoyed and appreciated by the members of the General Assembly:

Visit character-  
ized by hospital-  
ity of people of  
Elizabeth City  
and Pasquotank  
County.

*Now, therefore, in consideration of the premises, be is resolved by the House of Representatives, the Senate concurring:*

Gratitude for  
hospitality  
expressed.

SECTION 1. That the thanks of the General Assembly for the generous hospitality and entertainment extended to it be expressed to Elizabeth City, Pasquotank County, the owners of the theaters in which these meetings are being held, and the individuals and committees having charge of arrangements for the occasion, who are as follows: General Chairman, Lor-rimer W. Midgett; Reception Committee: J. B. Flora, Chair-man; Noah Burfoot, R. L. Garrett, W. O. Etheridge, B. F. Pritchard, M. J. Reid, C. A. Ownley, George Halstead, C. M. Griggs, L. S. Nixon, F. M. White, Evans Blades, C. D. Pappen-dick, H. Grady Williams, H. G. Sawyer. General Committee: C. W. Ward, Chairman; Albert T. Kramer, Robert T. Kramer, S. A. Twiford, S. P. Smith, W. T. Culpepper, Jr., George Little, Jr., Howard Stevens, Dr. H. E. Nixon, A. P. Belanga, Thomas Weeks, W. T. Culpepper, Sr., J. H. Webster, A. B. Houtz, H. A. Graul, W. F. Larson, F. W. Selig, W. C. Dawson, A. G. Small, S. Wade Marr, M. L. Clark, Herbert Peele, George Hasket, T. W. Aydlett, Miss Margaret Hollowell, Lieutenant Commander R. L. Burke, Lieutenant W. B. Scheibel, Lieutenant A. J. Bejoy, Lieu-tenant C. R. Bender, Lieutenant R. W. Blouin, G. C. Meads. Ladies Entertainment Committee: Mrs. F. Webb Williams, Chairman; Mrs. Noah Burfoot, Mrs. L. W. Midgett, Mrs. J. B. Flora, Mrs. W. C. Dawson, Mrs. Thomas H. Briggs, Mrs. G. C. Meads, Mrs. W. T. Culpepper, Sr., Mrs. R. L. Burke, and Mrs. Vivian Stevens. Chamber of Commerce Committee: J. H. Wil-kins, Chairman; R. B. Sheely, Paul L. Gregory, Sr., W. W. Massey, W. E. Griffin, J. Wayne Moore, W. J. Pell, Ernest J. Sanders, E. C. Conger. Past Representatives: Thomas Markham, J. Kenyon Wilson, Eugene Scott, J. C. James, D. C. Perry, Sr., W. C. Morse and J. J. Hughes.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

S. R. 203

## RESOLUTION 20

A JOINT RESOLUTION COMMENDING THE NORTH CAROLINA DELEGATION IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES CONGRESS FOR THEIR SUPPORT OF THE LEND-LEASE BILL.

WHEREAS, the eleven members from North Carolina in the House of Representatives of the United States Congress, namely:

Preamble:  
Lend-Lease Bill  
supported by  
N. C. members  
in House of  
Representatives  
of U. S. Congress.

Herbert C. Bonner—1st District; John H. Kerr—2nd District; Graham A. Barden—3rd District; Harold D. Cooley—4th District; A. D. Folger—5th District; Carl T. Durham—6th District; J. Bayard Clark—7th District; W. O. Burgin—8th District; Robert L. Doughton—9th District; A. L. Bulwinkle—10th District; Zebulon Weaver—11th District; on Wednesday, February nineteenth, one thousand nine hundred and forty-one, upheld the cause of Democracy and of America by vigorously and ably supporting the passage of the Lend-Lease Bill now pending in the Senate of the United States; and

WHEREAS, the policy of aid to Great Britain, short of war, was approved by a majority of the people of this Nation at the general election in November, one thousand nine hundred and forty; and

Policy of aid to Great Britain, approved.

WHEREAS, the position taken by the North Carolina members of the House of Representatives has the approval of a majority of the people of the State; and

Position of members approved.

WHEREAS, it is entirely fitting and proper that this General Assembly commend the North Carolina delegation of Congress for their stand and support on this important legislation:

Fitting for Assembly to commend delegation.

*Now, therefore, be it resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That the General Assembly of the State of North Carolina hereby commends and endorses the worthy action of the North Carolina members of the House of Representatives of the United States Congress.

Action of North Carolina members of House of Representatives of U. S. Congress, commended.

SEC. 2. That copies of this Resolution be sent to each of the North Carolina members in the House of Representatives of the United States Congress.

Copies of Resolution to Representatives.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1941.

## H. R. 305

## RESOLUTION 21

A JOINT RESOLUTION AUTHORIZING THE GOVERNOR OF THE STATE OF NORTH CAROLINA TO APPOINT A COMMISSION COMPOSED OF NINE MEMBERS TO INQUIRE INTO THE FEASIBILITY OF INCREASING THE NUMBER OF JUDICIAL DISTRICTS IN THE STATE OF NORTH CAROLINA.

Preamble:  
Superior Court  
dockets congested.

WHEREAS, in several counties in the State of North Carolina the superior court dockets are greatly congested and it is necessary that cases appearing on said dockets be carried over from term to term; and

Conflicts in  
terms.

WHEREAS, there are a great many conflicts in the terms of superior courts in the various judicial districts; and

Creation of  
additional  
judicial districts,  
discussed.

WHEREAS, the advisability of the creation of additional judicial districts has been discussed during the present Session of the General Assembly and various proposals and ideas for the correction of the conditions now existing have been advanced; and

Study required.

WHEREAS, it is necessary before additional judicial districts are established that a complete and thorough study of the situation be made,

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

Appointment of  
Commission by  
Governor.

SECTION 1. That the Governor of the State of North Carolina be, and he is hereby, empowered and directed to appoint a commission, to be composed of nine members, three of said members to be chosen from the membership of the House of Representatives, two from the membership of the Senate, and the remaining four members to be chosen at large.

Commission  
directed to study  
conditions in  
present Judicial  
Districts, and  
feasibility of  
increasing  
number.

SEC. 2. That the purpose of said commission shall be to make a study of the conditions existing in the present Judicial Districts of North Carolina and the feasibility of increasing the number of the judicial districts in the State and/or the advisability of changing the geographical arrangement of the present judicial districts of the State, to make such other and further investigation as may be necessary and proper relative to judicial districts, and it shall be the duty of said commission to file a report with the Governor of the State of North Carolina not later than ninety days prior to the convening of the Session of the General Assembly of one thousand nine hundred and forty-three, setting forth the conclusions and recommendations of said commission and accompanied by appropriate proposals for legislation to carry out said recommendations.

Duty of  
commission to  
file report  
with Governor.



SEC. 3. That the members of said commission shall serve without compensation, but shall be allowed actual expenses while engaged in the performance of their duties as hereinbefore set out. Compensation.

SEC. 4. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

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S. R. 307                      RESOLUTION 22

A JOINT RESOLUTION CALLING A JOINT MEETING OF THE SENATE AND HOUSE OF REPRESENTATIVES TO ELECT TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA.

*Be it resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That there shall be a joint meeting of the Senate and House of Representatives in the hall of the House of Representatives on the tenth day of March, one thousand nine hundred and forty-one, at the hour of eight o'clock P. M., for the purpose of electing trustees of the University of North Carolina.

Meeting of  
General Assembly  
to elect trustees  
of University of  
North Carolina,  
called.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.

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H. R. 542                      RESOLUTION 23

A JOINT RESOLUTION AUTHORIZING THE GOVERNOR TO APPOINT A COMMISSION FOR THE SPECIAL PURPOSE TO STUDY THE USURY LAWS OF THE STATE OF NORTH CAROLINA AND TO MAKE A REPORT AND RECOMMENDATION TO THE NEXT GENERAL ASSEMBLY.

WHEREAS, it has become a common practice in North Carolina for small loan agencies, various forms of finance companies and other business organizations to engage in usurious practices by charging and collecting on loans of money sums in excess of interest at the rate of six per centum as is now provided by law, the same being done under the camouflage and guise of so-called investigation fees, credit reports, carrying charges, service charges, and under various and sundry other

Preamble:  
Usurious rates  
of interest being  
charged by  
certain  
businesses.

heads and titles, and being done solely in an effort and for the purpose of disregarding the law as it is now written prohibiting usurious rates of interest being charged; and

Practice common  
in obtaining  
small loans.

WHEREAS, such practices are commonly engaged in and particularly against persons obtaining small loans who are the least able to pay the exorbitant and usurious charges imposed upon them:

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

Appointment of  
commission to  
study usury laws  
and business  
practices of  
lending agencies  
in State.

SECTION 1. That the Governor be and he is hereby authorized and directed to appoint a commission of five members for the special purpose of making a study of the Usury Law of the State of North Carolina, the laws of other states governing the charging of interest on loans made, the business practices now engaged in in North Carolina by persons, firms and corporations who make loans, and particularly those persons, firms and corporations making small loans, and report to the next General Assembly its findings and recommendations to the end that fair and equitable laws governing the charging of interest in North Carolina may be enacted for the protection of all the people of this State.

Report to  
General  
Assembly.

Election of  
Chairman.

SEC. 2. That the commission when appointed shall elect its own chairman and that the members of said commission shall serve without compensation.

No compensation  
for members.

SEC. 3. That this Joint Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.

## H. R. 338

## RESOLUTION 24

### A JOINT RESOLUTION PROVIDING FOR A DECLARATION OF THE FEDERATION OF THE WORLD.

Preamble:  
Government for  
community of  
nations,  
necessary.

WHEREAS, it is necessary at the present juncture of human affairs to enlarge the bases of organized society by establishing a government for the community of nations, in order to preserve civilization and enable mankind to live in peace and be free, the following principles and objectives are hereby enunciated in

Enunciation of  
principles and  
objectives.

#### THE DECLARATION OF THE FEDERATION OF THE WORLD.

Declaration of  
The Federation  
of the World.

Man, the source of all political authority, is a manifold political being. He is a citizen of several communities: the city, the state, the nation and the world. To each of these communi-

Man, a manifold  
political being.

ties he owes inalienable obligations and from each he receives enduring benefits.

Communities may exist for a time without being incorporated but, under the stress of adversity, they disintegrate unless legally organized. Slowly but purposefully through the centuries, civilization has united the world, integrating its diverse local interests and creating an international community that now embraces every region and every person on the globe. This community has no government, and communities without governments perish. Either this community must succumb to anarchy or submit to the restraints of law and order.

Legally organized communities necessary.

Governments can only be established through the deliberate efforts of men. At this hour two elemental forces are struggling to organize the international community: totalitarianism and democracy. The former, a recent version of repudiated militarism and tyranny, is predicated upon the principle of compulsion, rules through dictatorship and enslaves men; the latter, a proved bulwark of the rights of man as a human being and as a citizen, derives its authority from the consent of the governed, embodies the will of free men and renders their collective judgments supreme in human affairs. The corner stone of totalitarianism is the ethnographic state, whose restricted interests define the scope of its favors; the foundation of democracy is man whose integrity is inviolable and whose welfare is its primary concern. The motivating power of the former is violence; of the latter, freedom. One feeds upon unscrupulous ambition; the other upon an enlightened sense of obligation.

Governments established by deliberate efforts of men.

Totalitarianism.

Democracy.

One or the other of these forces will now triumph and govern mankind. The present conflict is irrepressible and decisive. It is the challenge of the ages to the generation of today, and represents those spiritually cosmic forces which visit the world at critical periods in human history to shape the destinies of men. This world cannot remain half-slave, half-free; half-totalitarian, half-democratic. The laws of civilized society prevent intercourse between slaves and free men from being either congenial or profitable. If totalitarianism wins this conflict, the world will be ruled by tyrants, and individuals will be slaves. If democracy wins, the nations of the earth will be united in a commonwealth of free peoples, and individuals, wherever found, will be the sovereign units of the new world order.

Triumph by Totalitarianism or Democracy.

Man has struggled from time immemorial to endow the individual with certain fundamental rights whose very existence is now imperiled. Among those rights is man's freedom to worship, speak, write, assemble and vote without arbitrary interference. To safeguard these liberties as a heritage for the human race, governments were instituted among men, with con-

Fundamental rights of man imperiled.

stitutional guarantees against the despotic exercise of political authority, such as are provided by elected parliaments, trial by jury, habeas corpus and due process of law. Man must now either consolidate his historic rights or lose them for generations to come.

Political and geographical isolation of nations impossible.

The ceaseless changes wrought in human society by science, industry and economics, as well as by the spiritual, social and intellectual forces which impregnate all cultures, make political and geographical isolation of nations hereafter impossible. The organic life of the human race is at last indissolubly unified and can never be severed, but it must be politically ordained and made subject to law. Only a government capable of discharging all the functions of sovereignty in the executive, legislative and judicial spheres can accomplish such a task. Civilization now requires laws, in the place of treaties, as instruments to regulate commerce between peoples. The intricate conditions of modern life have rendered treaties ineffectual and obsolete, and made laws essential and inevitable. The age of treaties is dead; the age of laws is here.

Laws to regulate commerce, required.

Treaties ineffectual.

Governments limited to local areas, outmoded.

Governments, limited in their jurisdiction to local geographical areas, can no longer satisfy the needs or fulfill the obligations of the human race. Just as feudalism served its purpose in human history and was superseded by nationalism, so has nationalism reached its apogee in this generation and yielded its hegemony in the body politic to internationalism. The first duty of government is to protect life and property, and when governments cease to perform this function, they capitulate on the fundamental principal of their *raison d'être*. Nationalism, moreover, is no longer able to preserve the political independence or the territorial integrity of nations, as recent history so tragically confirms. Sovereignty is an ideological concept without geographical barriers. It is better for the world to be ruled by an international sovereignty of reason, social justice and peace than by diverse national sovereignties organically incapable of preventing their own dissolution by conquest. Mankind must pool its resources of defense if civilization is to endure.

Duties and functions of government.

Reason, social justice and peace, best method of rule.

Principle of Federation necessary for unity.

Virtues of Federation.

History has revealed but one principle by which free peoples, inhabiting extensive territories, can unite under one government without impairing local autonomy. That principle is federation, whose virtue preserves the whole without destroying its parts and strengthens its parts without jeopardizing the whole. Federation vitalizes all nations by endowing them with security and freedom to develop their respective cultures without menace of foreign domination. It regards as sacrosanct man's personality, his rights as an individual and as a citizen and his role as a partner with all other men in the common enterprise of building civilization for the benefit of mankind. It suppresses the crime of war by reducing to the ultimate minimum the possibility of



its occurrence. It renders unnecessary the further paralyzing expenditure of wealth for belligerent activity, and cancels through the ages the mortgages of war against the fortunes and services of men. It releases the full energies, intelligence and assets of society for creative, ameliorative and redemptive work on behalf of humanity. It recognizes man's morning vision of his destiny as an authentic potentiality. It apprehends the entire human race as one family, human beings everywhere as brothers and all nations as component parts of an indivisible community.

There is no alternative to the federation of all nations except endless war. No substitute for The Federation of the World can organize the international community on the basis of freedom and permanent peace. Even if continental, regional or ideological federations were attempted, the governments of these federations, in an effort to make impregnable their separate defenses, would be obliged to maintain stupendously competitive armies and navies, thereby condemning humanity indefinitely to exhaustive taxation, compulsory military service and ultimate carnage, which history reveals to be not only criminally futile but positively avoidable through judicious foresight in federating all nations. No nation should be excluded from membership in The Federation of the World that is willing to suppress its military, naval and air forces, retaining only a constabulary sufficient to police its territory and to maintain order within its jurisdiction, provided that the eligible voters of that nation are permitted the free expression of their opinions at the polls.

Endless war, only alternative to Federation.

No willing nation excluded from Federation.

#### It Being Our Profound and Irrevocable Conviction:

That man should be forever free and that his historic rights as an individual and as a citizen should be protected by all the safeguards sanctioned by political wisdom and experience.

Right of man to be free.

That governments are essential to the existence of communities and that the absence of government is anarchy.

Governments essential.

That there exists an international community, encompassing the entire world, which has no government and which is destined, as a consequence of the present war, either to be ruthlessly dominated and exploited by totalitarianism or to be federated by democracy upon the principle of freedom for all nations and individuals.

International community destined to be dominated by totalitarianism or federated by democracy.

That all human beings are citizens of this world community, which requires laws and not treaties for its government.

All men citizens of world community.

That the present conflict is one whose issue involves the survival of free institutions throughout the world, and that it is morally incumbent upon all free peoples, before this war proceeds further, to write the definitive Treaty of Peace in

Issue in present conflict: survival of free institutions.



terms of the Constitution of the Federation of the World, in order that those who are called to give their lives and fortunes for the triumph of democracy may have positive knowledge of the incorruptible utility of their sacrifice, and in order that this conflict may not be fought to found a new world order at the conclusion of hostilities but to defend the existence of one already established by The Federation of the World.

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

Declaration of  
"The Federation  
of the World,"  
endorsed by Gen-  
eral Assembly.

SECTION 1. That the General Assembly of North Carolina does hereby solemnly declare that all peoples of the earth should now be united in a commonwealth of nations to be known as The Federation of the World, and to that end it hereby endorses The Declaration of the Federation of the World as is specifically set forth in the preamble hereof, and makes said Declaration a part of this Resolution in the same manner as if same were recited herein, and requests the Senators and Members of the House of Representatives in Congress from the State of North Carolina to introduce and secure the passage of a Resolution in the Congress of the United States, committing the the United States to the acceptance of the principle of The Federation of the World and requesting the President of the United States to call an International Convention to formulate a Constitution for The Federation of the World, which shall be submitted to each nation for its ratification.

Introduction and  
support in  
Congress by  
N. C. members,  
requested.

Selection of seat  
of government  
for Federation.

SEC. 2. That when the said International Convention is called, it be urged to select a territory for the seat of government for The Federation of the World, and that the nation in which the said territory is located be requested to withdraw its jurisdiction over this area and cede it to The Federation of the World for its Capital, with all the prerogatives and attributes of sovereignty, in order that there might be built in this area a City symbolic of world unity, adequate for the needs of the nations and worthy of the aspirations and destiny of mankind.

Copy of  
resolution to  
members of  
Congress from  
North Carolina.

SEC. 3. That a copy of this Resolution be sent to each of the Senators and Members of the House of Representatives in Congress from the State of North Carolina.

SEC. 4. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 13th day of March, 1941.

H. R. 401

## RESOLUTION 25

## A JOINT RESOLUTION AUTHORIZING THE GOVERNOR OF NORTH CAROLINA TO APPOINT A COMMISSION TO STUDY THE VARIOUS STATE SUPPORTED EDUCATIONAL INSTITUTIONS AND DEPARTMENTS.

WHEREAS, it is the opinion of a large group of citizens of our State that there is a gap which makes the transition of boys and girls from high school to college difficult; and

Preamble:  
Transition from high school to college difficult for students.

WHEREAS, there should be close articulation and cooperation between the public school system and the institutions of higher learning which are operated by funds appropriated by the General Assembly of North Carolina from the public treasury; and

Close cooperation between public schools and higher institutions needed.

WHEREAS, the vocational needs of boys and girls in North Carolina high schools who are not able to attend the institutions of higher learning are not being adequately met at the present time; and

Vocational needs not adequately met.

WHEREAS, there is a shortage of facilities for training vocational teachers in our State institutions; and

shortage of facilities for training teachers.

WHEREAS, it is necessary that a thorough examination of the whole instructional program provided for in the public elementary and secondary schools of the State, including courses of study and curricula, be made with the view of ascertaining whether or not the course of training offered in this State is adequate and productive of the best results for the youth of the State:

Examination of instructional program, necessary.

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the Governor of North Carolina be, and he is hereby, authorized, empowered and requested to appoint a commission to be known as "The Governor's Commission on Education", to study the problems set out in the preamble to this Resolution. The Commission herein authorized shall consist of two representatives from State supported institutions of higher learning, two representatives from the State public school system, one representative from the Department of Public Instruction, and six representatives from the agricultural, business and professional life of the State. Any vacancy occurring on the Commission herein authorized by reason of death, resignation, or otherwise, shall be filled by appointment by the Governor.

Appointment of commission to study problems existing in educational institutions.

Vacancies.

SEC. 2. The Commission herein authorized shall make a study of the problems herein referred to, and any and all other problems which may be revealed as a result of their investigation, the solution of which would improve the educational system of this State, and shall make a written report of its findings and recommendations to the General Assembly of one thousand nine

Commission to submit findings and recommendations to General Assembly, 1943.

hundred and forty-three, and shall have the same printed and ready for distribution thirty days before the beginning of the one thousand nine hundred and forty-three Session.

Membership deemed "commissioner for a special purpose."

SEC. 3. Membership on the Commission authorized by this Resolution shall be deemed a "commissioner for a special purpose" within the meaning of Article XIV, Section seven, of the Constitution, which prohibits double office holding, and membership thereon may be composed of persons holding other public office, in case the Governor appoints such a public officer to the Commission.

Chairman.

SEC. 4. The Governor shall be ex officio Chairman of the Commission hereby created, with power to call said Commission together at any time he deems it advisable for the purpose of organization and further investigation of the subjects herein mentioned. The Commission shall elect a secretary and such other officers as it may deem necessary. They may sit in public hearings, invite to the said hearings persons of experience in the subject of the investigation and others whose suggestions may be helpful, and may receive both written and oral presentation upon these subjects.

Secretary.

Public hearings.

Heads of State departments, etc., to cooperate.

The heads of all State departments, institutions and administrative school units are instructed to cooperate with the Commission and to make available to said Commission all information and the services of such of their personnel as may, in the judgment of the Governor, be helpful to the Commission.

Assistance from Federal or State educational authorities or agencies.

The Commission is further authorized to accept the time and services of any Federal or State educational authorities or agencies, within or without the State of North Carolina, when, in the opinion of the Commission, such services may be helpful to the investigation.

SEC. 5. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

## H. R. 339

## RESOLUTION 26

JOINT RESOLUTION REQUESTING THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION TO NAME THE BRIDGE OVER THE YADKIN RIVER BETWEEN CRUTCHFIELD AND BOONVILLE THE DR. T. W. SHORE MEMORIAL BRIDGE.

Preamble:  
Dr. T. W. Shore, respected by people of Yadkin and Surry counties.

WHEREAS, Dr. T. W. Shore was highly respected by the people of Yadkin and Surry Counties where he practiced medicine as a country doctor for thirty years and more and where he knew and was known by everyone in the community; and

WHEREAS, he was the owner of several of the greatest bird dogs of the United States and was recognized as the most outstanding field judge of his day; and

Owner and judge of bird dogs.

WHEREAS, at the time of his death he was Chairman of the Democratic Executive Committee of Yadkin County; and

Chairman, Democratic Executive Committee, Yadkin County.

WHEREAS, he was instrumental in securing the recently constructed bridge over the Yadkin River between Surry and Yadkin Counties;

Instrumental in securing Yadkin River bridge.

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the State Highway and Public Works Commission be and they are hereby authorized and requested to name the recently constructed bridge over the Yadkin River on United States Highway Number six hundred and one between the Towns of Crutchfield and Boonville in memory of Dr. T. W. Shore and that the same shall be called "The Dr. T. W. Shore Memorial Bridge."

State Highway Commission authorized and requested to name bridge in memory of Dr. T. W. Shore.

SEC. 2. That the said State Highway and Public Works Commission is further requested to place such marker or tablet as may be suitable and consistent with the marking of other bridges in the State bearing the above inscription at some suitable place on the bridge.

Marker, with inscription, requested.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. R. 471

## RESOLUTION 27

A JOINT RESOLUTION PROVIDING FOR THE APPOINTMENT OF A COMMISSION TO STUDY AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY WITH RESPECT TO A BASIC CODE OF ADMINISTRATIVE PROCEDURE AND TO PRESCRIBE RULES FOR REVIEW OF THE DECISIONS OF THE ADMINISTRATIVE AGENCIES.

*Be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. There is hereby created a commission of seven members, two to be appointed from the present membership of the House, two from the present membership of the Senate, three from the public at large, the appointments to be made by the Governor, which said commission hereby created is to study, investigate, report its findings of fact, together with

Appointment of commission to study and make report on advisability of uniform rules of practice and procedure for administrative agencies.

recommendations, if it be deemed advisable, in the form of a bill, providing for uniform rules of practice for administrative agencies in the State of North Carolina, and to provide a uniform method of reviewing their determinations by the courts.

Appointment and compensation.

SEC. 2. That the commission hereby created shall serve without pay and shall be appointed by the Governor within ninety days from the ratification of this Joint Resolution.

Administrative agencies to furnish information.

SEC. 3. It shall be the duty of all administrative agencies to furnish to the said commission such pertinent information with respect to its or their procedure and practice as may be requested by the said commission and to make such suggestions as to reform in the existing procedures as any of the said agencies may deem wise.

SEC. 4. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## H. R. 596

## RESOLUTION 28

### A JOINT RESOLUTION EMPOWERING THE GOVERNOR OF NORTH CAROLINA TO APPOINT A SPECIAL COMMISSION FOR THE PURPOSE OF STUDYING A MERIT SYSTEM FOR STATE EMPLOYEES.

Preamble:  
Merit system of employment required for agencies receiving funds from Federal Gov't.

WHEREAS, the Federal government requires that all agencies of the State receiving funds from the Federal government to be used in payment or in part payment of salaries of State employees adopt a merit system of employment; and

Certain agencies under merit system.

WHEREAS, the Unemployment Compensation Commission, the State Board of Welfare and Public Charities, the Commission for the Blind and the State Board of Health are now under merit systems and each department or agency has its own merit system and qualifying authority; and

Desirable to place other agencies under merit system.

WHEREAS, it may become desirable or necessary to place other departments or agencies of the State government under a merit system; and

Single system desirable for all agencies.

WHEREAS, it is desirable to have a single merit system and to coordinate and unify the qualifying authority for those agencies which are now or may hereafter be placed under merit systems:



*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

- SECTION 1. That the Governor of North Carolina be and he is hereby authorized, empowered, and requested to appoint a special and impartial commission of five citizens of the State of North Carolina for the purpose of making a study of various merit systems and the qualifying authorities, and to collect such data and information as the commission may think advisable to aid in determining the feasibility and advisability of establishing under a single qualifying authority for employment in all departments or agencies of the State government which are now or may hereafter be placed under a merit system.
- Appointment of commission to study advisability of establishing single merit system of employment.
- SEC. 2. That the said commission shall make a report of its findings and recommendations to the Governor on or before July first, one thousand nine hundred and forty-two, in order that the Governor may, if he thinks it advisable, recommend to the General Assembly a plan for the establishment of an adequate merit system under one qualifying authority.
- Report of findings to be made to Governor.  
Recommendations to General Assembly.
- SEC. 3. That the commission shall, subject to approval of the Director of the Budget, be and is hereby empowered, to obtain clerical assistance and such other assistance as it may deem proper.
- Clerical assistance.
- SEC. 4. That members of the commission shall be paid the sum of seven dollars (\$7.00) per day and such necessary expenses as may be incurred, and as may be approved by the Director of the Budget for their services.
- Compensation.
- SEC. 5. That the expenses incurred by the commission shall be paid from the Contingency and Emergency Fund.
- Expenses.
- SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.
- Conflicting laws repealed.
- SEC. 7. This Act shall be in full force and effect from and after its ratification.
- In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. R. 862

## RESOLUTION 29

A JOINT RESOLUTION AUTHORIZING AND DIRECTING THE SECRETARY OF STATE TO HAVE PRINTED FIVE THOUSAND COPIES OF CHAPTER THREE HUNDRED AND FIFTY-EIGHT, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AS AMENDED BY HOUSE BILL FOUR HUNDRED AND SIXTY KNOWN AS A BILL "TO AMEND AND SUPPLEMENT AN ACT TO PROVIDE FOR THE ADMINISTRATION AND OPERATION OF A UNIFORM SYSTEM OF PUBLIC SCHOOLS OF THE STATE FOR THE TERM OF EIGHT MONTHS WITHOUT THE LEVY OF AN AD VALOREM TAX THEREFOR" AS ENACTED INTO LAW, AND THAT THE DISTRIBUTION THEREOF BE UNDER THE DIRECTION OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE STATE SCHOOL COMMISSION.

*Resolved by the House of Representatives, the Senate concurring:*

Secretary of State directed to print School Machinery Act of 1939, as amended.

SECTION 1. That the Secretary of State be, and he is hereby authorized and directed to have printed five thousand copies of Chapter three hundred and fifty-eight, Public Laws of one thousand nine hundred and thirty-nine, as amended by House Bill four hundred and sixty, known as a Bill "To Amend and Supplement an Act to Provide for the Administration and Operation of a Uniform System of Public Schools of the State for the Term of Eight Months Without the Levy of an Ad Valorem Tax Therefor", as enacted into law to be distributed by the State Superintendent of Public Instruction and the State School Commission.

Distribution.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. R. 939

## RESOLUTION 30

A JOINT RESOLUTION COMMENDING ATTORNEY GENERAL HARRY McMULLAN AND HIS ENTIRE STAFF FOR ASSISTANCE RENDERED THE MEMBERSHIP OF THE ONE THOUSAND NINE HUNDRED AND FORTY-ONE GENERAL ASSEMBLY.

Preamble:  
Skill required in drafting bills.

WHEREAS, the drafting of bills requires a high degree of technical knowledge and skill; and

WHEREAS, Harry McMullan, Attorney General of the State of North Carolina, together with his staff of assistants, has been most cooperative with the members of this General Assembly in the preparation of bills and has rendered valuable assistance to the members of this General Assembly:

Cooperation of Attorney General in preparation of bills.

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That we do express to the said Harry McMullan, Attorney General of the State of North Carolina, T. W. Bruton, L. O. Gregory, George B. Patton, Assistant Attorneys General, members of the staff and secretarial force, W. J. Adams, Jr., Chief, Division of Legislative Drafting and Codification of Statutes, assistants and secretarial force, our deep, sincere, and grateful appreciation for their cordial, generous, and efficient services and assistance rendered to the members of the General Assembly of one thousand nine hundred and forty-one in the preparation and drafting of bills, and otherwise.

Appreciation for assistance from Attorney General's Staff in preparation of legislative bills.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. R. 683

### RESOLUTION 31

A JOINT RESOLUTION EMPOWERING THE GOVERNOR TO APPOINT A SPECIAL COMMISSION FOR THE PURPOSE OF STUDYING PROPOSALS TO ESTABLISH A TRAINING SCHOOL FOR DELINQUENT NEGRO GIRLS IN NORTH CAROLINA.

WHEREAS, in the General Assembly of one thousand nine hundred and thirty-nine and again in the General Assembly of one thousand nine hundred and forty-one bills have been introduced to provide for the establishment of a training school for delinquent negro girls in North Carolina; and

Preamble: Bills introduced for establishment of training school for negro girls.

WHEREAS, by the establishment of the Stonewall Jackson Manual Training and Industrial School and the Eastern Carolina Training School for delinquent white boys, by the establishment of the State Home and Industrial School for Girls for delinquent white girls, and by the establishment of Morrison Training School for delinquent negro boys during a period of more than thirty years, it has become a recognized responsibility of the State to care for its delinquent youth of both sexes and races; and

Responsibility of State to care for delinquent youth.

WHEREAS, for twelve years previous to the closing of Efland School on the first day of March, one thousand nine hundred and thirty-nine the State of North Carolina had made an appro-

Appropriations for delinquent negro girls in past.

priation in some sum for each year of each biennium as a recognition of its responsibility to delinquent negro girls:

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

Appointment of commission to study plans for establishing training school for delinquent Negro girls.

SECTION 1. That the Governor of North Carolina be, and he is hereby, authorized, empowered and requested to appoint a special and impartial commission of five citizens of the State of North Carolina for the purpose of making a study of such plans as have been, or may be presented, providing for the establishment of a training school for delinquent negro girls, and to collect such information and data in connection therewith as they, the commission, may deem necessary.

Commission to make report to Governor and Advisory Budget Commission.

SEC. 2. That the said commission shall make a report of its findings and recommendations to the Governor and the Advisory Budget Commission on or before the first day of July, one thousand nine hundred and forty-two, in order that the Governor and the Advisory Budget Commission may, if they think advisable, recommend to the General Assembly of one thousand nine hundred and forty-three the establishment of said institution and an appropriation for operating expenses thereof.

Recommendations to General Assembly.

Compensation.

SEC. 3. That the members of the commission shall be reimbursed from the contingency and emergency fund for all necessary expenses as may be incurred and which may be approved by the director of the budget, and that they shall serve without further pay.

SEC. 4. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. R. 635

## RESOLUTION 32

A JOINT RESOLUTION AUTHORIZING AND DIRECTING THE COMMISSIONER OF MOTOR VEHICLES OF THE STATE OF NORTH CAROLINA TO STUDY LAWS PROVIDING FOR THE PERIODIC INSPECTION OF MOTOR VEHICLES AND TO REPORT TO THE NEXT GENERAL ASSEMBLY.

Preamble:  
Accidents on highways, problem deserving study.

WHEREAS, the ever increasing number of serious and fatal motor vehicle accidents on the highways of North Carolina presents a problem which deserves serious study and consideration in an effort to find the way to reduce and prevent such accidents in the future; and

Laws requiring periodic inspection of motor vehicles enacted in other states.

WHEREAS, twenty-three other states, including our neighboring States of Virginia, Tennessee, and South Carolina, have

enacted laws requiring periodic inspection of motor vehicles, which laws have proven of much value in reducing the number of motor vehicle accidents on the highways of those states; and

WHEREAS, it is the sense of the General Assembly that a study of periodic inspection laws of these other states and of the results obtained under the operation of the same would be beneficial and helpful to the General Assembly of North Carolina in an effort to promote safety on our highways:

Study of laws and results deemed beneficial.

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the Commissioner of Motor Vehicles of the State of North Carolina be, and he is hereby authorized and directed to make a study of the motor vehicle inspection law in other states and the operation of the same, and to report to the next General Assembly his findings and recommendations with regard to the enactment of a periodic motor vehicle inspection law in North Carolina, to the end that the next General Assembly may have fully presented to it all available information for consideration in connection with such legislation.

Commissioner of Motor Vehicles directed to study inspection laws of other states, and make report.

SEC. 2. That the Commissioner of Motor Vehicles is hereby authorized and directed to call upon members of the automobile industry to assist him in making the said study and survey; and that the said members of the automobile industry so called upon shall render such assistance without compensation.

Assistance from members of automobile industry.

SEC. 3. That this Joint Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

## S. R. 159                      RESOLUTION 33

A JOINT RESOLUTION TO PROVIDE FOR A COMMISSION ON RECODIFICATION OF THE NORTH CAROLINA STATUTES.

*Be it resolved by the Senate, the House of Representatives concurring:*

SECTION 1. The Committee on Recodification of the House of Representatives, composed of Representatives F. E. Wallace, J. A. Pritchett, Hubert C. Jarvis, Irving Carlyle, Rupert T. Pickens, Julian R. Allsbrook, J. Q. LeGrand, O. L. Richardson, Arch T. Allen, John Kerr, Jr., George R. Uzzell, W. Frank Taylor, S. O. Worthington, J. T. Pritchett, Forrest A. Pollard, and T. E. Story; and the Committee on Recodification of the Senate, composed of Senators Jeff D. Johnson, Jr., E. T. Sanders, J. C. Pittman, Wade B. Matheny, John W. Wallace, John

Commission on Recodification of N. C. Statutes, established.

Members named.



Chairman. D. Larkins, Jr., Thomas J. Gold, Archie C. Gay, Herbert Leary and Hugh G. Horton, are hereby constituted a Commission on Recodification of the North Carolina Statutes. Said Commission shall elect one of its members as chairman.

Duties of commission.

SEC. 2. It shall be the duty of the Commission, acting in an advisory capacity, to cooperate with the Attorney General and the Division of Legislative Drafting and Codification of Statutes of the State Department of Justice in the recodification of the general public statutes. To that end the Commission shall review and examine the recodification work and consult with and advise the Attorney General and the Division in the revision of the Statutes, the preparation of annotations, index and supplementary material, the specifications, form and publication of a legislative edition of the proposed code for submission to the General Assembly of one thousand nine hundred and forty-three, and in other problems incident to the completion of the recodification work. The Commission shall make a report of its activities and recommendations to the Governor and General Assembly of one thousand nine hundred and forty-three.

Commission to make report to General Assembly of 1943.

Term.

SEC. 3. The term of service of the Commission herein provided for shall continue until February first, one thousand nine hundred and forty-three.

Compensation.

SEC. 4. The members of the Commission shall be paid seven dollars (\$7.00) per day for actual attendance upon meetings of the Commission and shall also receive necessary travel expenses. Provided, however, the total expenses of the Commission shall not exceed the sum of one thousand and five hundred dollars (\$1,500.00).

SEC. 5. That this Resolution shall be in full force and effect from and after the adjournment of the present Session of the General Assembly.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. R. 284

## RESOLUTION 34

A JOINT RESOLUTION PROVIDING FOR THE APPOINTMENT OF A COMMISSION TO STUDY AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY WITH RESPECT TO A BASIC CODE OF ADMINISTRATIVE PROCEDURE AND TO PRESCRIBE RULES FOR REVIEW OF THE DECISIONS OF THE ADMINISTRATIVE AGENCIES.

*Be it resolved by the Senate, the House of Representatives concurring:*

SECTION 1. There is hereby created a commission of seven members, two to be appointed from the present membership of the Senate, two from the present membership of the House, and three from the public at large, the appointments to be made by the Governor, which said commission hereby created is to study, investigate, report its findings of fact, together with recommendations, if it be deemed advisable, in the form of a bill, providing for uniform rules of practice for administrative agencies in the State of North Carolina, and to provide a uniform method of reviewing their determinations by the courts.

Appointment of commission to study and make report on advisability of uniform rules of practice and procedure for administrative agencies.

SEC. 2. That the commission hereby created shall serve without pay and shall be appointed by the Governor within ninety days from the ratification of this Joint Resolution.

Appointment and compensation.

SEC. 3. It shall be the duty of all administrative agencies to furnish to the said commission such pertinent information with respects to its or their procedure and practice as may be requested by the said commission and to make such suggestions as to reform in the existing procedures as any of the said agencies may deem wise.

Administrative agencies to furnish information.

SEC. 4. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. R. 310

## RESOLUTION 35

A JOINT RESOLUTION TO PAY THE EXPENSES OF THE COMMITTEE FROM THE SENATE AND THE HOUSE OF REPRESENTATIVES VISITING THE STATE HOSPITAL AT MORGANTON.

*Resolved by the Senate, the House of Representatives concurring:*

SECTION. 1. That in order to defray the expenses of the Senate and House Committees on Insane Asylums actually in-

Payment of expenses of legislative Committees on Insane Asylums.

curred in visiting the State Hospital at Morganton, a distance of four hundred miles roundtrip, the State Auditor be, and he is hereby authorized and directed to issue his warrants on the State Treasurer to the members and in the amounts listed below:

Senator L. J. P. Cutlar .....	\$20.00
Senator C. A. Peterson .....	\$20.00
Representative J. C. Rabb .....	\$20.00
Representative W. Bert Edwards .....	\$23.25
Representative W. A. Rogers .....	\$23.25

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

### S. R. 352

### RESOLUTION 36

JOINT RESOLUTION BY THE GENERAL ASSEMBLY OF  
NORTH CAROLINA PROVIDING FOR ADJOURNMENT  
ON MARCH FIFTEENTH, ONE THOUSAND NINE  
HUNDRED AND FORTY-ONE.

*Resolved by the Senate, the House of Representatives con-  
curring:*

Time of sine  
die adjournment.

SECTION 1. That both the Senate and House of Representatives, constituting the General Assembly of one thousand nine hundred and forty-one, do adjourn sine die on Saturday, March fifteenth, one thousand nine hundred and forty-one at ten o'clock p. m.

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this Resolution shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

S. R. 315

## RESOLUTION 37

A JOINT RESOLUTION AUTHORIZING THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT TO CARRY OUT THE PROVISIONS OF CHAPTER THREE HUNDRED AND EIGHTY-EIGHT OF PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE WHICH PROVIDE FOR FUNDS FOR THE CONSTRUCTION AND EQUIPMENT OF A SMALL-MOUTH BASS FISH HATCHERY AND TWO SUB-REARING STATIONS AND TO PROVIDE FOR THEIR OPERATION AND MAINTENANCE UNDER THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT.

WHEREAS, it appears that an Act was passed by the General Assembly of one thousand nine hundred and thirty-nine, being Chapter three hundred and eighty-eight of said laws, in which it was provided as follows:

Preamble:  
Ch. 388, Public  
Laws, 1939,  
set out.

"SECTION 1. That for the purpose of establishing a small-mouth bass main hatchery in McDowell County, one sub-rearing station in Burke County, and one sub-rearing station in Graham County by the Division of Game and Inland Fisheries under the Department of Conservation and Development, there is hereby specifically appropriated the sum of thirty thousand (\$30,000.00) dollars, or as much thereof as may be necessary, in the discretion of the Division of Game and Inland Fisheries under the Department of Conservation and Development, in carrying out the purpose of this Act.

Appropriation for  
establishment of  
smallmouth bass  
hatchery and  
sub-rearing  
stations.

"SEC. 2. That the expenditure of the hereinbefore provided sum of thirty thousand (\$30,000.00) dollars for the construction and equipment of a fish hatchery and two sub-rearing stations shall be under the supervision of the Department of Conservation and Development, Division of Game and Inland Fisheries, and shall be expended under the same laws, rules and regulations now prescribed and governing the Department of Conservation and Development, Division of Game and Inland Fisheries: Provided that the appropriation herein referred to shall not be made from the general funds of the State, but shall be made from the funds of the Department of Conservation and Development, if such funds are available and approved by the director of the budget":

Expenditure of  
appropriation  
under supervision  
of Division of  
Game and Inland  
Fisheries.

Appropriation to  
be made from  
funds of Dept.  
of Conservation  
and Develop-  
ment.

*Now, therefore, be it resolved by the Senate and the House concurring:*

SECTION 1. That the Department of Conservation and Development be and they are hereby directed to construct this hatchery out of Inland Fisheries funds as required by Chapter three hundred and eighty-eight of the Public Laws of one thousand nine hundred and thirty-nine.

Dept. of Conser-  
vation and  
Development  
directed to con-  
struct hatchery  
Smallmouth  
Bass.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. R. 902

## RESOLUTION 38

A JOINT RESOLUTION EMPOWERING THE GOVERNOR TO APPOINT A SPECIAL COMMISSION FOR THE PURPOSE OF STUDYING A BUILDING PROGRAM FOR THE STATE AND ALLOCATING SPACE TO STATE CONSTITUTIONAL OFFICERS OF AUDITOR, TREASURER, AND SECRETARY OF STATE, AND FOR OTHER PURPOSES.

Preamble:  
State Capitol  
greatly congested.

WHEREAS, the State Capitol is now housing in part the activities of the State Auditor, State Treasurer, and Secretary of State as well as the Governor and Legislative Bodies, which has resulted during this Legislative Session in great congestion and made it increasingly difficult to carry on the business of the State; and

Need for new  
State buildings,  
forseen.

WHEREAS, among many members of the General Assembly the opinion exists that consideration should be given to a plan of providing a new building or buildings for the purpose of housing the activities of the State Auditor, State Treasurer, and Secretary of State so as to leave all of the space in the State Capitol for the occupancy of the Governor and the legislature and the public using the Capitol during the legislative sessions, or that some new building should be built for the purpose of providing, outside the Capitol building, new legislative halls for the Senate and House of Representatives and offices connected with the legislature; and

Construction  
or acquisition of  
State Building,  
worthy of  
consideration.

WHEREAS, consideration should be given to acquisition or construction of a State Building to house the State Museum, Art Gallery, Historical Commission and other agencies and departments of the State; and

Proposition  
worthy of care-  
ful study.

WHEREAS, the proposition considered involves many phases which should be carefully studied by a commission set up for such purposes and a report given to the next General Assembly for its information and guidance:

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

Appointment of  
commission to  
consider need  
for new State  
Building.

SECTION 1. That the Governor of North Carolina is hereby authorized, empowered, and requested to appoint a commission of five persons to be selected from the membership of the General Assembly, three from the House and two from the Senate,



for the purpose of making a study of the needs of the State with reference to the matters set out in the preamble to this Act. The commission is authorized and empowered to call upon any architect or engineer or engineers in the State employ for recommendations and advice with reference to any plans considered and to secure option or options on any property considered desirable for the purpose recommended by the commission and to make all such findings and recommendations as to the commission may seem appropriate.

Powers.

SEC. 2. The members of the commission shall be paid a sum of seven dollars per day for the time actually engaged in meetings of the commission and such necessary expenses as may be incurred in travel and subsistence while attending such meetings, such amounts to be paid from the contingency and emergency fund.

Compensation.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Resolution are hereby repealed.

Conflicting laws  
repealed.

SEC. 4. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

STATE OF NORTH CAROLINA  
DEPARTMENT OF STATE  
RALEIGH, MARCH 21, 1941.

I, THAD EURE, Secretary of the State of North Carolina,  
hereby certify that the foregoing (manuscript) are true copies  
of the original acts and resolutions on file in this office.

A handwritten signature in dark ink, appearing to read 'Thad Eure', is written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

*Secretary of State.*

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